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Committee on the Elimination of Discrimination Against Women

Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women

Fifth periodic report of States parties

Spain*

* For the initial report submitted by the Government of Spain, see CEDAW/C/5/Add.30, considered by the Committee at its sixth session. For the second periodic report submitted by the Government of Spain, see CEDAW/C/13/Add.19, considered by the Committee at its eleventh session. For the third periodic report submitted by the Government of Spain, see CEDAW/C/ESP/3, considered by the Committee at its twenty-first session. For the fourth periodic report submitted by the Government of Spain, see CEDAW/C/ESP/4, considered by the Committee at its twenty-first session.
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- Act 6/2002, of 21 June, amending Act 8/1986, of 26 November, on Elections in the Autonomous Community of the Balearic Islands
- Act 11/2002, of 27 June, amending Act 5/1986, of 23 December, on Elections in Castilla la Mancha

Article 9

- Act 36/2002, of 8 October, amending the provisions of the Civil Code on the matter of nationality

[1] Jurisprudence refers to Constitutional jurisprudence and jurisprudence of the Supreme Tribunal.

Article 11

1. Labour reforms

- Act 39/1999, of 5 November, on helping working women to reconcile their family life and their jobs
- Royal Legislative Decree 5/2000, of 4 August, adopting the merged text of the Act on Infractions and Sanctions in the Social Order
- Act 33/2002, of 5 July, amending article 28 of the merged text of the Workers' Statute, adopted by Royal Legislative Decree 1/1995, of 24 March

2. Employment Promotion Measures

- Royal Decree-Law 11/1998, of 4 September, regulating reductions in Social Security payments on temporary contracts for unemployed persons hired to replace women workers during leave for maternity, adoption and foster care
- Order of 16 November 1998 to promote stable employment for women in professions and occupations in which they are under-represented
- Act 55/1999, of 29 December, on fiscal, administrative and social measures
- Act 12/2001, of 9 June, on urgent reforms in the labour market in order to create jobs and improve their quality

3 Social Security

- Royal Decree 144/1999, of 29 January, which further develops, with regard to Social Security protection, Royal Decree-Law 15/1998, of 27 November, on urgent measures to improve the labour market in order to create more part-time jobs and improve their stability (also corrects errors and includes revalidation by the Congress of Deputies)
- Royal Decree-Law 1/2000, of 14 January, on measures to improve family protection provided under the Social Security regime
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- Royal Decree 1251/2001, of 16 November, on regulations pertaining to economic benefits provided by the Social Security regime for maternity and risk during pregnancy
- Order of 9 January 2001 on regulations to the Special Agreement on Social Security
- Act 24/2001, of 27 December, on fiscal, administrative and social measures
- Royal Decree 1465/2001, of 27 December, partially amending the legal regime for death and survivor benefits and maintaining the extinction of widows' pensions
- Jurisprudence on labour issues and Social Security

Articles 15 and 16

- Act 40/1999, of 5 November, on given names and surnames and the order in which they appear
- Royal Decree 193/2000, of 11 February, amending certain articles of the Civil Registry Regulations
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- Organic Law 14/1999, of 9 June, amending the 1995 Penal Code with regard to protection of victims of abuse and the Criminal Procedures Act
- Act 5/2001, of 17 May, on prevention of abuse and protection of abused women in Castilla la Mancha.
- Act 38/2002, of 24 October, partially amending the Criminal Procedures Act, on procedures for rapid and immediate prosecution of certain offences and misdemeanours and amending the provisions on abbreviated process.
- Penal jurisprudence

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- Act 36/1999, of 18 October, on the granting of unemployment benefits and guarantees for integration into society and the labour market of offenders who are drug addicts
- Royal Decree-Law 5/2002, of 24 May, on urgent measures to reform the system of unemployment benefits and enhance employability

FIFTH PERIODIC REPORT OF SPAIN ON THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

INTRODUCTION

The Convention on the Elimination of All Forms of Discrimination against Women, adopted at New York on 18 December 1979, was ratified by Spain on 16 December 1983 and published in the Boletín Oficial del Estado on 21 March 1984. Upon ratification, Spain entered a reservation which is still valid, namely, that the ratification of the Convention by Spain shall not affect the constitutional provisions concerning succession to the Spanish crown.

Since the date of its publication, this treaty has been part of the national legal order, in accordance with article 96.1 of the Spanish Constitution of 1978 and article 1.5 of the Civil Code.

Spain submitted reports under article 18 of the Convention in 1985, 1989, 1995 and 1998. Given that the last report was discussed by the Committee in July 1999, the fifth report covers the period between 1999 and 2001, as well as certain measures and actions taken in 2002.

This report covers the progress made towards ensuring equal opportunity as mandated by the Convention, the commitments embodied in the Platform of Action adopted at the Fourth World Conference on Women and those agreed on at the special session of the General Assembly, Women 2000: gender equality, development and peace for the twenty-first century, held in June 2000. All this has been done within the framework of the legislation and policies of the European Union.

This report was drafted according to the general guidelines on the form and content of reports and follows the order of the articles of the Convention. It also includes chapters, such as the one on social exclusion and violence, which deal with issues that are not covered in specific articles of the Convention or that have been the subject of special recommendations by the Committee.

Each chapter includes statistical data on the status of women in the area discussed, the main changes that have been made in the legal order and a description of the most important policies, programmes and actions that have been taken in order to achieve genuine equality between women and men and to overcome the difficulties that undoubtedly remain in certain areas.

The report was prepared by the Institute for Women's Issues, an autonomous agency operating under the Ministry of Labour and Social Affairs which is responsible for dealing with equal opportunity issues within the Administration.

The Institute coordinated the preparation of the report with support from the Human Rights Office of the Ministry for Foreign Affairs. The various ministry departments provided information for the report.

In the context of their competence in this area, the autonomous communities submitted the information contained in Annex I. Finally, the NGOs that are on the

Governing Council of the Institute for Women's Issues supplied the information provided in Annex II.

Part I of the Convention (Articles 1-9)

Article 1. Definition of discrimination

As noted in the fourth report of Spain to the Committee, the general framework that serves as the basis for the analysis of equal opportunities in our country is the 1978 Constitution, article 1.1 of which states that the higher values of the Spanish legal order are liberty, equality, justice and political pluralism.

These are general principles of law and consequently, according to majority doctrine, they serve as the basis for the entire legal order. The Constitutional Court has interpreted them as having normative force.

This means that, although the idea of equality is applied in the generic sense, equality must be interpreted as a cross-cutting element of the entire legal order.

The concept of equality of opportunities for women and men is based on the following constitutional precepts:

> 9.2 It is incumbent upon the public authorities to promote conditions which ensure that the freedom and equality of individuals and of the groups to which they belong are real and effective, to remove obstacles which prevent or hinder their full enjoyment, and to facilitate participation by all citizens in political, economic, cultural and social life.
>
> 10.1 The dignity and the inviolable and inherent rights of the human person, the free development of his or her personality, and respect for the law and the rights of others are fundamental to political order and social peace.
>
> 10.2. The principles relating to the fundamental rights and liberties recognized by the Constitution shall be interpreted in conformity with the Universal Declaration of Human Rights and the international treaties and agreements thereon ratified by Spain.
>
> 14. Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other condition or personal or social circumstance.
>
> 23.1. Citizens have the right to participate in public affairs, directly or through their representatives freely elected in periodic elections by universal suffrage.
>
> 23.2. They likewise have the right to access on equal terms to public office, in accordance with the requirements to be provided by law.
>
> 27.1. Everyone is entitled to education. Freedom of instruction is recognized.
>
> 32.1. Men and women are entitled to marry on a basis of full legal equality.
>
> 32.2. The law shall regulate the forms of marriage, the age at which it may be entered into and the required capacity therefor, the rights and duties of the spouses, the grounds for separation and dissolution, and the consequences thereof.

35.1. All Spaniards have the duty to work and the right to employment, to free choice of profession or trade, to advancement through their work, and to sufficient remuneration for the satisfaction of their needs and those of their families; moreover under no circumstances may they be discriminated against on account of their sex.

39.1. The public authorities shall ensure the social, economic and legal protection of the family.

39.2. The public authorities likewise shall ensure full protection of children, who shall be equal before the law, irrespective of their parentage, and of mothers, whatever their marital status. The law shall provide for the investigation of paternity.

39.3. Parents must provide their children whether born in or out of wedlock, with assistance of every kind while they are still under age and in other circumstances in which the law is applicable.

139.1. All Spaniards have the same rights and obligations in any part of the territory of the State.

149.1. The State has exclusive competence in the following areas: establishing regulations regarding the basic conditions for guaranteeing equality of all Spaniards in the exercise of their rights and in the fulfilment of their constitutional duties.

The Constitutional Court, which has final authority to interpret the Constitution, has, through its decisions, developed a precise doctrine of the meaning of equality and non-discrimination based on sex. Among others, some of the most important decisions handed down during the period covered by this report are the following:

- Constitutional Court decision 140/1999, of 22 July, establishing that when it is alleged that a company's decision is actually covering up a behaviour that is detrimental to fundamental rights, it is up to the company owner to prove that the action was based on sound reasons and that there was no intention to infringe a fundamental right. Nevertheless, in order to justify the charge, the worker must provide reasonable evidence that the company's action violated his or her fundamental rights. Merely alleging that a violation occurred is not enough.

- Decisions 240/1999, of 20 December, and 203/2000, of 24 July, stress that the specific prohibition against discrimination based on sex, set forth in article 14 of the Spanish Constitution (CE), covers not only direct discrimination, i.e., different and unfavourable legal treatment of a person because of sex, but also indirect discrimination, i.e., treatment that is neutral or non-discriminatory from the formal standpoint, but which has an adverse impact on the members of a given group owing to the different circumstances of the workers of one sex or the other. The December decision states that when a complaint is brought regarding indirect discrimination, it is not necessary, for purposes of comparison, to show that preferential treatment has been given solely and exclusively to the men. It is sufficient that there be a rule or an interpretation or application of a rule that has an unfavourable impact on a group made up

mostly but not necessarily only of women workers – part-time workers, workers having less than two years seniority.

- The Constitutional Court decision of 25 February 2002 reiterates that discrimination based on sex includes pejorative treatment based not only on the pure and simple circumstance of the victim's sex, but also on the convergence of reasons or circumstances that are directly and unequivocally linked to a person's sex. This is the case with pregnancy, a differentiating factor which, for obvious reasons, only affects women. Because extinctive decisions based on pregnancy only affect women, they constitute discrimination based on sex, which is prohibited by article 14 of the Spanish Constitution.

- By the same token, decision 20/2001 of 29 January states that the prohibition enshrined in article 14 of the Constitution covers not only obvious discrimination, namely, legal treatment that is manifestly and unjustly different and unfavourable to certain persons with respect to others, but also hidden discrimination, namely, treatment that is formally or seemingly neutral or non-discriminatory which, owing to the different factual circumstances of the case, has an adverse impact on the person to which the practice or behaviour is directed.

Other relevant decisions of the Constitutional Court are: SSTC 235/2000, of 16 October; 250/2000, of 30 October; and 39/2002, of 14 February.

Article 2. Elimination of discrimination

As noted earlier, the Spanish Constitution of 1978 establishes the principle of equality and non-discrimination and urges the public authorities to promote conditions which ensure that freedom and equality are real and effective, removing obstacles which prevent or hinder their full enjoyment, facilitating participation by all citizens in political, economic, cultural and social life.

Accordingly, during the time elapsed since the previous report was submitted to the Committee, efforts have been made to strengthen policies, programmes and actions aimed at fostering equal participation of women in society and guaranteeing not only formal equality but genuine equality.

Among others, the following programmes were carried out by different institutions, agencies and organizations.

The Office of the Ombudsman, along with the Constitutional Court, is one of the bodies responsible for monitoring compliance with the mandates of the Constitution. The Ombudsman, who has been designated a High Commissioner of the Cortes Generales, is charged with protecting fundamental rights, including the right to equality. Every year, the Ombudsman submits to the Cortes Generales a report on his or her work. The most recent report stresses, inter alia, the problem of violence against women, non-payment of alimony and child support, the situation of women in prison, and the problems of migrant women.

Given that the Constitution provides for the establishment of autonomous states, a system of autonomous institutions similar to that of the Ombudsman has been developed. These bodies have the same duties as the Ombudsman, except that they are limited to their own territories.

From the standpoint of territorial organization, the Spanish State is divided into municipalities, provinces and autonomous communities. This should be borne in mind in discussing the distribution of powers in regard to equality of opportunities.

One of the powers provided for in the Statues of Autonomy governing the autonomous communities is set forth in article 148.1.20 of the Constitution, which includes "social assistance" as an aspect of the right to equal opportunities.

Considering these powers, the 17 autonomous communities currently have mechanisms in place to ensure equality of opportunities in their territories.

As far as local government is concerned, the norms currently in force provide that municipalities may carry out activities that complement those carried out by other public administrations, including those pertaining to the promotion of women. Municipalities with populations of more than 20,000 must provide social services, either on their own or in association with other agencies.

As regards the State government, powers relating to social programmes have been transferred to the autonomous communities. However, the State has certain exclusive powers, including those concerned with establishing the conditions necessary to guarantee equality for all Spaniards in exercising the rights and fulfilling the duties established by the Constitution, local legislation and international relations.

Within this legal framework, the Institute for Women's Issues, created in 1983, is the autonomous agency responsible for promoting and furthering equality of opportunities in order to ensure the attainment of conditions necessary to enable women to participate in political, cultural, economic and social life.

This agency monitors efforts to bring laws in line with the principle of equality by preparing reports on proposed legislation. It also processes through administrative channels complaints brought by women to the Institute in connection with specific cases of gender-based discrimination, either de facto or de jure.

In recent years the annual budgets of the Institute for Women's Issues have increased, slowly but surely. In 2002, the Institute had a budget of 22,692.70 euros, up from 13,997.57 euros in 1996; this represents a 62 per cent increase for the period in question.

As noted in previous reports, the Institute for Women's Issues has a Governing Council which coordinates policies on equality with different ministerial departments. Its membership includes representatives of a number of NGOs working in different fields, as well as of major trade unions.

Since the approval of Royal Decree 1910/1999, of 17 December, creating the State Council of Non-Governmental Organizations responsible for social action programmes, the Director General of the Institute for Women's Issues has been a member of this body which promotes cooperation between the Administration and civil society in efforts to implement social policies.

Coordination with the autonomous communities is channelled through the Sectoral Women's Conference, which has met since 1995. This body provides a forum for discussions aimed primarily at achieving maximum consistency in the

establishment and application of equal opportunity policies of the State and the autonomous communities.

Cooperation agreements provide another important mechanism for coordinating the work of the State, the autonomous communities and local governments. During the last reporting period, the Institute for Women's Issues signed agreements with all the autonomous communities (except the Basque Country and Navarra) for the purpose of carrying out programmes and actions targeting women, such as arranging holidays for single women who are solely responsible for supporting their minor children; providing training courses to help women upgrade their skills; training to enable women to meet the demands of the job market; diversified and specialized training; and, finally, funding for setting up facilities for and/or outfitting women's centres, with priority being given to projects involving the establishment of shelters for women who are victims of violence.

During the current period, an increasing number of departments in the legislatures and city governments are offering advisory services and resources for social programmes targeting women. These efforts are carried out through cooperation agreements between local administrations and the Institute for Women's Issues. Last year the Institute signed 129 agreements with city governments for the purpose of setting up and outfitting women's information services.

Since its creation, the Institute has provided technical and financial support and infrastructure for the NGOs. Financial support is provided through two channels:

- Grants from the general fund of the Institute for Women's Issues to provide basic funding for activities designed to provide equal opportunities for women and men and to promote the participation of women in political, cultural, economic and social life and strengthen women's associations.

In 2001, subsidies totalling 1,589,677 euros were granted for 116 programmes in 69 entities

- Funding from the individual income tax (credit authorized by the General Directorate for Social Action, Minors and Families) whereby grants targeting women are provided for education and rehabilitation programmes, programmes for women in rural areas and in maritime and fishery activities, promotion of employment and self-employment, prevention of violence and comprehensive services to abused women and programmes for cofinancing projects submitted to community initiatives that provide equal opportunities for women and men.

In 2001, subsidies totalling 8,157,537.26 euros were granted for 117 programmes, and in 2002, 116 programmes received 8,167,690.07 euros.

Moreover, space is made available for women's associations both for their main facilities and for certain other activities.

Finally, other entities, agencies and institutions are carrying out programmes designed to promote equality, including the Mixed Commission on Women's Rights (Standing Parliamentary Commission), the universities and others.

Article 3. Advancement of women and enjoyment of human rights

The Institute for Women's Issues promotes measures aimed at helping to eliminate discrimination against women, particularly through the three equal opportunity plans, the yearly plans of action on employment of the Kingdom of Spain, and the two plans of action on violence against women, but also through the Vocational Training plan, the Comprehensive Family Support Plan, the National Plan of Social Participation, and others which are implemented by different ministerial departments and which carry out equal opportunity policies.

During this reporting period, the third Plan on Equal Opportunities for Women and Men for 1997-2000 and the first Plan of Action on Violence against Women 1998-2000 were completed. Four employment plans have been carried out, and the second comprehensive plan on violence against women 2001-2004 was approved.

The adoption of the first Plan of Action on Equal Opportunities for Women and Men (1988-1990) called for a review of legislation with a view to eliminating discriminatory legal provisions in our legislation, especially in civil, labour and penal matters. The main purpose of the second Plan (1993-1995) was the adoption of measures for moving from formal equality to genuine equality, i.e., to promote and implement affirmative action, particularly in regard to education, training and employment. The third Plan on Equal Opportunities for Women and Men (1997-2000) introduced the equality approach to all government policies and promoted the participation of women in all spheres of social life. The idea is that women should be involved in decision-making, given that without their participation, it will be impossible to achieve the objectives of equality and development. Thus, the goal is to include the dimension of equal opportunity in the design, application and monitoring of all policies, measures and actions undertaken. This is what, following the fourth World Conference on Women and the fourth Community Plan of Action, has come to be known as the "mainstreaming principle".

This principle has become so important in Spain that all equality plans are being drawn up with mainstreaming in mind, whether they be implemented at the national level, by the Institute for Women's Issues; at the regional level, by agencies responsible for equality issues in the autonomous communities; or at the local level, by city governments.

According to the summary of the findings of the evaluation of the third Plan on Equal Opportunities for Women and Men (1997-2000), published by the Institute for Women's Issues, 189 of the 192 actions envisaged in the Plan have been put underway. Some of these have been completed, while others are still in progress.

	Actions begun		*Actions not begun*		*Totals*	
Areas	*No*	*%*	*No*	*%*	*No*	*%*
1. Education	34	97.14	1	2.86	35	100
2. Health	25	100	0	0	25	100
3. Economy and employment	43	100	0	0	43	100
4. Power and decision making	5	100	0	0	5	100
5. Image and mass media	8	100	0	0	8	100
6. Environment	6	100	0	0	6	100
7. Violence	20	95.24	1	4.76	21	100
8. Social exclusion	9	100	0	0	9	100
9. Rural women	9	100	0	0	9	100

Areas	Actions begun		Actions not begun		Totals	
	No	%	No	%	No	%
10. Cooperation	31	100	0	0	31	100
Totals	**190**	**98.96**	**2**	**1.14**	**192**	**100**

Information on regional equal opportunity plans is provided in annex 1 to this report.

The fourth Plan on Equal Opportunities for Women and Men is currently in the drafting stage. It is expected to be adopted by the Council of Ministers in the next few months, and will cover the period until 2006.

The fourth Plan is based on the guidelines set down in the Community Framework Strategy on gender equality (2001-2005), the fundamental purpose of which is to introduce the dimension of equal opportunity into all policies and actions carried out within the European Community and its member States (attached as an annex). This Plan will strengthen mainstreaming and maintain specific equal opportunity policies – i.e., affirmative action – wherever necessary.

The main purpose of the plan, which is divided into a number of major areas, is to include gender mainstreaming in public policies. Special attention will be given to the following:

- Promoting equality between men and women in economic life. The idea is to bring the gender perspective into employment policies and to encourage women to enter the job market. These objectives are supplemented by others, such as promotion of women in entrepreneurial endeavours and the elimination of barriers preventing women from enjoying the same working conditions as men.

- Promoting women's participation in decision making. Efforts will be made to involve women in decision making in the political, economic and social spheres, and to foster the professional advancement of women in public administration.

- Improving quality of life for women. These efforts encompass objectives relating to health in the broadest terms, education and culture. Programmes will address the needs of the female population and contribute to equality in these fields, with special emphasis on prevention and eradication of poverty and eliminating the exclusion of women.

- Promoting equality in civic life. This entails promoting equality in the legislative and judicial spheres and policies for combating violence against women.

- Transmitting equalitarian values and attitudes. Emphasis will be placed on fostering values and practices that promote equality and eliminate stereotypes in the media and advertising.

- Reconciliation of family life and work, including by legislation to make the two more compatible.

- Cooperating with the public administration and public and private institutions. Efforts will be made to strengthen the participation of Spain in international

agencies and promote cooperation with the work of NGOs and other institutions, such as the Spanish Agency for International Cooperation (AECI).

Changes in the legal order

During this reporting period, Spain ratified several international agreements which have become a part of the domestic legal order. These are:

The Rome Statute of the International Criminal Court, done at Rome on 17 June 1998. Ratified on 25 October 2000.

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Ratified on 29 June 2001. Deposited with the Secretary-General of the United Nations on 6 July 2001. Entered into force for Spain on 6 October 2001.

An expert designated by the Institute for Women's Issues participated in the working group charged with drafting the Optional Protocol.

In order to increase public awareness of the importance of the new mechanisms for guaranteeing women's rights and the implications, both for individuals and for NGOs, of Spain's ratification of the Optional Protocol, the Institute for Women's Issues posted ample information on its Web site. It also published a bulletin entitled Un acontecimiento histórico para el avance de la mujer: entrada en vigor del Protocolo Facultativo de la Convención sobre la eliminación de todas las formas de discriminación contra la mujer and organized a seminar on the matter.

The Additional Protocol to the European Social Charter, done at Strasbourg on 5 May 1988. Ratified on 7 January 2000. Entered into force for Spain on 23 February 2000.

The European Convention on the Compensation of the Victims of Violent Crimes, done at Strasbourg on 24 November 1983. Ratified on 20 October 2001.

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Instrument of ratification signed on 5 December 2001, deposited with the Secretary-General of the United Nations on 18 December 2001. Entered into force for Spain on 18 January 2002.

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. Instrument of ratification signed on 1 March 2002, deposited with the Secretary-General of the United Nations on 8 March 2002. Entered into force for Spain on 8 April 2002.

As regards the United Nations Convention against Transnational Organized Crime, done at New York on 15 November 2001, and the two supplementary protocols, i.e., the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the required procedures in the Cortes Generales have been completed; the next step is publication in the Boletín Oficial del Estado.

As regards the legal protection of rights, Act 1/2000, of 7 January, on civil procedures, provides that in cases involving fundamental rights, preferential treatment shall be given in ordinary procedures, with the claim and the response to be submitted in writing, followed by a hearing and a decision. This process is

designed to be more expeditious than the one established by the Jurisdictional Protection of Fundamental Rights Act of 1978.

Article 4. Affirmative action

Article 9.2 of the Spanish Constitution of 1978 provides the legal basis for affirmative action, inasmuch as it establishes that "it is incumbent upon the public authorities to promote conditions which ensure that the freedom and equality of individuals and of the groups to which they belong are real and effective, to remove obstacles which prevent or hinder their full enjoyment, and to facilitate participation by all citizens in political, economic, cultural and social life."

As noted in previous reports, it is normally up to the Constitutional Court to interpret the scope of this precept. During the current reporting period, an important decision was handed down by the Supreme Court with regard to quotas for handicapped persons in companies.

Under Article 9.2 of the Spanish Constitution, the public authorities are empowered to "promote conditions which ensure that the freedom and equality ... are real and effective." This allows considerable latitude for determining what conditions are required to achieve that end. This may be done bearing in mind the existing differences in circumstances and providing for differential treatment so as to compensate for unfavourable situations and achieve effective equality.

The prohibition of discrimination also entails taking measures to ensure effective equality with other workers, in treatment and opportunities. This is why precepts such as those that have been questioned are justified by the Constitution; they are designed to remove obstacles that stand in the way of real equality in access to employment, given that such obstacles can be effectively removed through advantages or support measures designed to ensure real equality of opportunity, provided that they do not harm the disadvantaged group.

Affirmative action policies are implemented in the context of the equal opportunity plans and other special plans, such as those pertaining to employment, social participation, families and others. Of special note during this reporting period are the measures taken to promote women's employment and training and help them reconcile their home life with their job, and the programmes to combat violence against women. These actions are described in detail in the section on implementation of the different articles of the Convention.

The Institute for Women's Affairs has participated in several working groups that analyze the implementation of affirmative action policies, such as the group of specialists of the Council of Europe that prepared, in 2000, a report on affirmative action. This report is a useful tool for States in designing their policies, and for all institutions involved in promoting equality.

Article 5. Sex roles and stereotyping

Policies and programmes

The Government's third Plan on Equal Opportunities for Women and Men included measures to be taken in different areas to promote a balanced and non-

stereotypical image of women in the media and to change social and cultural patterns of interaction between men and women.

Education is a basic factor in achieving equal opportunities for women and men and is fundamental to the empowerment of women so as to ensure that they are able to enjoy their rights.

In addition to specific measures in the field of education, which are described in the section on article 10 in this report, efforts to change stereotypes will be cross-cutting, covering all levels of human behaviour. They will be carried out not only by the public administration but also by society as a whole.

In this regard, the language, images, attitudes and models that are often presented in advertising and in the media do little to counteract discrimination against women.

The Institute for Women's Issues is the State agency that collects, reviews and investigates discriminatory publications in the media, without prejudice to the action taken by the autonomous communities in their territorial jurisdictions. The basic aim of the Institute in this regard is to determine how women are portrayed in publications and advertising, what types of roles are attributed to them and, when these are sexist, to take such measures as may be necessary under the legislation in force (already described in the fourth report to CEDAW) to eliminate that type of images.

1. Monitoring Unit on Advertising

The group known as the Monitoring Unit on Advertising is a forum for observing, analyzing and channelling complaints about sexist advertising in the mass media.

The Unit was set up in response to society's demand for the dissemination of a non-sexist image of women in the media and in advertising, bearing in mind the need to review in depth, along with all the agents involved (advertisers, government and agencies), proposals for a non-sexist approach. The purpose is to ensure that women are portrayed in a way that is fair to them.

The Web page of the Institute for Women's Affairs includes a section on the Monitoring Unit on Advertising, including a link to a complaint form and contact information (telephone number, e-mail address, fax number and postal address) for submitting complaints to the Institute for Women's Affairs.

Communications to the Monitoring Unit on Advertising may be sent by:

- E-mail
- A toll-free phone number (900 19 10 10), which is available throughout the country 24 hours a day, seven days a week), or a special number for deaf women (900 152 152)
- By regular mail, to the address of the Institute for Women's Issues
- By fax

The Unit's main duties are:

- To monitor and review advertisements and advertising campaigns disseminated through the Spanish media;
- To review complaints;
- To request that companies change or withdraw their sexist campaigns;
- To provide advisory services to entities or companies on how to develop non-sexist material, along with the necessary support to eliminate discriminatory messages.

In 2001, 710 complaints were received, compared with 339 in 2000; this represents a 109 per cent increase, and shows an increased awareness among citizens of what constitutes discriminatory advertising. It also attests to the fact that the Spanish public is more aware of the Unit's work, as a result of which more complaints are lodged.

Advertising and non-advertising content

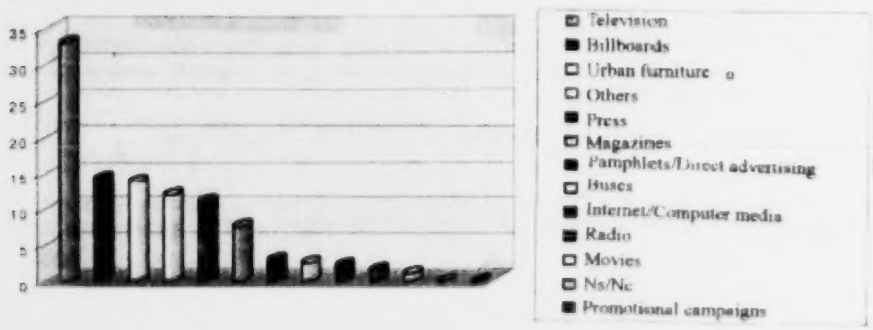
Type of content giving rise to complaints	*Absolute values*	*(%)*	*(% 2000)*
Advertising	658	92.7	89.97
Non-advertising content	52	7.3	10.03
Total	**710**		

These complaints refer to 211 campaigns, which represents an increase of 25.6 per cent. Madrid remains the autonomous community in which most complaints have been lodged (36 per cent), it is followed by the Canary Islands (16 per cent) and Galicia (9.7 per cent).

The medium that has given rise to most complaints is television (32.9 per cent), it is followed, in contrast with 2000, by outdoor advertising (billboards, urban furniture and buses: 30 per cent compared with a little under 9 per cent in 2000).

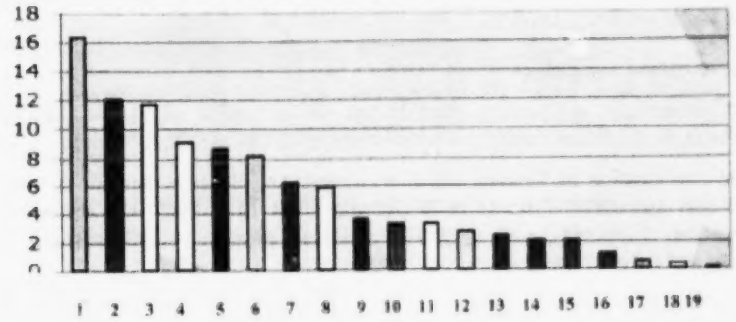
In 2001, the sectors that received the largest number of complaints were government (16.2 per cent), clothing and accessories (12 per cent), and perfumes and cosmetics (11 per cent). Overall, advertising in the vehicle sector accounts for the greatest number of complaints. An advertisement for the Tenerife carnival and a comic strip account for 16.3 per cent of all complaints.

Material giving rise to complaints during 2001 (Relative figures)



As regards the individuals who submitted complaints, 81 per cent were women and 18.5 per cent were men. It is worth noting that the number of complaints lodged by men has increased.

Complaints by sectors



1. Administration
2. Clothing/Accessories
3. Perfume/Cosmetics
4. Health/Drugstores
5. Vehicles
6. Beverages
7. Food
8. TV/Press/Radio advertising
9. Transport/Telecommunications
10. Household appliances/Furniture
11. Hygiene
12. Others
13. Services/Finance
14. Movies, video, theatre, music
15. Toys
16. Holidays/Travel
17. Detergents/Cleaning supplies
18. Tobacco
19. Publications

As regards the age of persons lodging complaints, the data for 2001 show a slight change with respect to previous years. There has been an increase in complaints presented by persons in the 21-25 age group (4.9 per cent in 2000, and 10.4 per cent in 2001) and in the 16-20 group (1.1 per cent in 2000, 3.7 per cent in 2001). This is a positive development, since it means that young people are increasingly aware of the problem and willing to complain about sexist content.

As far as the educational level of complainants is concerned, there has been a significant increase in the number of citizens, both male and female, who have an elementary level of education.

Most complaints refer to the following types of content:

- Use of the female body as an erotic and sexual object
- Disrespect for women as professionals
- Women as an object of violence and degradation
- Sexism in toy advertisements

During 2001, the Institute for Women's Issues contacted 19 companies with regard to the discriminatory content of their advertising, asking them to withdraw their campaigns. Parallel to this, the Institute for Women's Issues offers to help companies improve the way women are portrayed in their advertising.

Finally, since 1994, the Institute for Women's Issues has been preparing annual reports on the achievements of the Monitoring Unit on Advertising. This report is

disseminated through the media and distributed to associations of advertising professionals, advertisers and the advertisers' self-monitoring agency, with a view to creating awareness among those responsible for creating and implementing advertising campaigns on the need to bring the image of women in line with changes demanded by citizens of both sexes. This report is also sent to agencies involved in promoting equality in the autonomous communities, in order to strengthen collaboration and coordination in monitoring discriminatory advertising, and to institutions and associations involved in monitoring illicit advertising.

2. Promotional campaigns

These campaigns provide an ideal means for changing social and cultural patterns. The most important campaigns conducted since 1999 are the following:

Social Participation of Women, which was conducted through radio broadcasts, newspapers and magazines, from 14 to 29 January 1999, to promote and strengthen the participation of women in all spheres of political, labour and economic life, in organizations and associations, school boards and others.

8 March, International Women's Day. Campaigns in commemoration of International Women's Day were carried out in 1999, 2000, 2001 and 2002.

"Si ocultas la verdad, nadie sabrá que necesitas ayuda." ("If you hide the truth, nobody will know you need help.") This campaign was carried out from 27 September to 17 October, to sensitize victims of domestic violence and encourage them to find out about the assistance that is available to them, focusing on existing programmes. The campaign was conducted on television, radio, newspapers, in women's magazines, medical journals, legal journals, telephone booths, and magazines for the armed forces, law enforcement personnel and the Civil Guard, the municipal magazine and magazines published by the Ministry of Labour and Social Affairs.

"Los recursos humanos desde la perspectiva de la igualdad de oportunidades" ("Human resources from the standpoint of equal opportunity") Advertising inserts in economic journals, designed to publicize a seminar on the subject, which was held in Madrid on 27 and 28 September 1999.

"La violencia contra las mujeres nos duele a todos, nos duele a todas" ("Violence against women hurts us all, both men and women.") This campaign was conducted between 8 and 28 November to shed light on the nature and extent of the problem of domestic violence and the damage caused by violence in the home, as well as its consequences. The campaign was carried out through television, radio, print media, the Spanish National Railway System (RENFE), newspapers, magazines and on RENFE urban furniture.

Campaign to promote the OPTIMA Programme, from 15 October to 15 November 1997. The purpose was to provide information on the OPTIMA Programme and the companies participating in it. The campaign was conducted through the media, including newspapers, general-interest magazines and magazines specializing in economic issues.

Advertising insert promoting the workshop on Challenges and opportunities for businesses.

"Trabajo y Familia, cada vez más compatibles" ("Your Job and Your Family are more and more compatible"). This 30-day campaign was carried out during the second quarter of 2001, through radio, press, pamphlets (a print run of 60,000), trade union magazines and business magazines.

"Recupera tu vida. Habla" ("Get your life back: Speak up"). The purpose of this campaign was to increase confidence among abused women and encourage them to break their silence and isolation. Information was provided on specialized assistance programmes. The campaign was held from 23 November 2001 to 12 December, through press, radio and television.

Annual publicity campaign conducted by the Ministry of Defence to publicize the new model of the Armed Forces, which targets young people of both sexes and encourages the presence of women.

3. Publications and studies

Publications plan and assistance for publications of the Institute for Women's Affairs

Every year, the Institute for Women's Affairs implements a wide-ranging publications plan, given the Institute's emphasis on changing stereotypes and cultural patterns.

The purposes of the Plan are: to disseminate research studies on issues that affect women; to publish tools and technical material to facilitate the activities of professionals in public agencies, private entities or social initiatives; to sensitize the public on the need to change cultural patterns and roles and provide information to the public on the contributions made by women to the development of society.

This publications plan covers technical documents, posters, pamphlets, handbooks, video cassettes and compact discs, as well as publications issued by thematic groups in the fields of education, health, political and social participation, employment and labour relations, legislation, international issues and violence. It is partly financed by the European Social Fund.

Year	*Number of titles*	*Publishing costs*	*Distribution costs*	*Total expenditure*
1999	105	514,908	56,521.11	571,429.10
2000	96	494,471.75	74,193.18	568,664.92
2001	99	546,100.74	73,570.87	619,671.63

Through a Ministerial Order, the Institute for Women's Issues puts out an appeal for publication grants, with a view to encouraging publishing companies to issue titles concerning women.

These appeals for grants are made to publishing houses. A company's grant consists of its committing to purchase no more than one third of a print run, up to a maximum of 1,000 copies of the works selected. These publications are then sent, inter alia, to libraries, archives and women's institutes in universities.

Publication grants

Year	*Titles*	*N° of copies*	*Euro*
1999	21	13,550	116,216
2000	23	15,410	120,026
2001	20	9,650	119,478

Appeals for grants and collaboration agreements

The Institute for Women's Affairs has signed collaboration agreements for the purpose of subsidizing activities and studies on women and equal opportunity with the Association of Stage Directors, the General Society of Authors and Writers, the Complutense University and the Polytechnic University of Madrid, the General Foundation of the Complutense University of Madrid, the National Statistical Institute, the Inter-ministerial Committee on Science and Technology, the Centre for Sociological Research and Menéndez Pelayo International University.

It is also implementing a collaboration agreement with the University of Valencia in connection with the publication of the Feminismos collection, of which approximately six issues are published every year.

It is current in the process of issues two appeals for public subsidies, namely:

A. Appeal for grants for the purpose of conducting research and studies on women's issues, in the context of the National Scientific Research, Development and Technological Innovation Plan (R+D+I)

The National Scientific Research, Development and Technological Innovation Plan for 2002-2003 was adopted in 1999 to promote research on the status of women in Spain in all areas of social, political, economic and cultural life.

The grants are funded by the Institute for Women's Affairs, as well as by the European Social Fund, under its anti-discrimination programme.

Priority in research is assigned to the following areas: education, health, the economy and employment, power and decision making, image and mass media, environment, violence against women, women suffering exclusion from society, rural women and cooperation.

Since 2000, the Sectoral Programme on Women's Studies and Gender has focused on strategic action to promote equal opportunities for women and men.

The following table shows data for 1999, 2000 and 2001.

R+D+I. Subsidized projects

Year	*Projects*	*Amount*
1999	35	784,921.81
2000	36	1,010,902.36
2001	41	932,970.29

From 1999 to 2001, through the R+D+I programme and the study plan, the Institute for Women's Issues subsidized studies on subjects such as education, health, the economy and employment; power and decision making, image and mass

media, environment and rural women, violence, immigrant women, exclusion, poverty and development.

B. Annual appeal for grants for activities and seminars in a university setting

These are public subsidies to make it possible to carry out activities and seminars in a university setting, for the purpose of promoting equal opportunities for women. They are directed at public and private universities and legally established associations and foundations in the university context.

The grants are used to fund activities such as seminars, debates, expert courses, graduate courses and master's programmes, forums, symposiums, congresses, publication of magazines, workshops.

Activities and seminars in universities
Amounts in euros

Year	*Entities*	*Programmes*	*Amount*
1999	44	90	205,417.52
2000	67	121	261,764.41
2001	49	112	250,321.52

4. Monitoring Unit on Equal Opportunities

The Monitoring Unit on Equal Opportunities for Men and Women (a group monitoring the situation with regard to equal opportunities for women and men) was created by Royal Decree 1686/2000, of 6 October, to implement one of the activities outlined in the third Plan on Equal Opportunities for Women and Men 1997-2000.

The purpose is to make a reliable diagnosis of progress in promoting equal opportunities and evaluate policies aimed at that goal. A system of indicators is used to ascertain whether the actions proposed in the equal opportunity plans produce the desired effect and to draw up future policies.

The Monitoring Unit on Equal Opportunities is made up of representatives of the Ministry of Labour and Social Affairs, other ministerial departments, national women's organizations and representatives from the autonomous communities and the Spanish Federation of Municipalities and Provinces.

In order to achieve its objective, it has created a statistical data bank, which is organized into 9 subject-matter areas, namely: demographics, family life, education, employment, health, political participation, violence, social exclusion and social services. These areas are covered by 178 indicators, 46 of which were introduced during the first quarter of 2002.

At the first meeting, held on 21 November 2001, the Unit was formally set up, and its by-laws were adopted.

Working committees, which will be the driving force of the Unit, have also been established. An initial study will be conducted on three areas: employment, education and social exclusion.

5. Other measures

Support for audiovisual productions and publications, to promote a positive image of the role of women in society.

Every year, the Institute grants prizes to the media and advertising agencies for their efforts to promote non-violence against women. Prizes amounting to 6,010.12 euros for the dissemination of content condemning violence against women on radio, television, the press and advertising agencies during the past year.

In pursuance of this objective, subsidies from the General System have been granted to women's associations, associations of media professionals and bookshops, for the publication of material on women and gender and communication, for workshops, press offices and news agencies specializing in women's issues.

Work has been done in collaboration with communications experts on the development of codes of ethics with a view to setting up self-censorship mechanisms to prevent the transmission of images that discriminate against women.

In 1999, workshops were held with representatives of advertising agencies and advertisers to consider the effect which certain stereotypes in advertising have on attitudes regarding equality between men and women.

Finally, the Institute for Women's Issues maintains and regularly updates the "Women's Résumé" database, which contains information on distinguished women specialists in different fields of political, social, economic and scientific life in Spain. The idea is to give a high profile to the contributions made by women and to increase their presence in all areas of society. Lists of women specialists in different fields are made available, on request, to the media.

In 1999, with subsidies from the General System, the Institute funded the programme on Female and Male Stereotypes in the Media, organized by the Federation of Feminist Organizations of the Spanish State. This programme helped organize discussions and lectures; materials were gathered for an analysis of stereotypes in the media, with a view to disseminating a more balanced view of men and women.

Finally, reference should be made to the Information Centres on Women's Rights and the Telephone Help Line operated by the Institute for Women's Issues. At present, all the autonomous communities and several municipal governments provide information services. Since 1997, the number of centres has risen by 18.15 per cent, so that now there are 918.

Article 6. Traffic and Prostitution

I. Present situation

Spain is participating with neighbouring countries in the discussion that has arisen regarding the growth of prostitution as a business involving the sexual exploitation of women and children throughout the world. This phenomenon has given rise to serious concerns, from the political and social standpoints, and working groups on the matter have proliferated within and outside the country. These groups are studying the issue and its implications for the protection of human rights, and the public authorities are stepping up actions and measures to address this serious problem.

According to data provided by the Ministry of the Interior (Secretariat of State for Immigration), in 2001, 362 networks involved in the traffic of persons were broken up, and 1,223 people were arrested.

The effectiveness of measures taken to deal with this problem has clearly improved, as attested to by the fact that in 1999, 244 networks were broken up, and 696 people were arrested; and in 2000, the figures were 317 networks broken up and there were 1,010 arrests.

As regards the work of individual agencies, it should be noted that one of the duties of the Directorate General of the Civil Guard is to break up networks engaged in trafficking women. Since 1998, teams of women and minors (EMUNES) in the Civil Guard have been conducting investigations of such offences and providing assistance, advice and information to victims.

On 23 March, the Directorate General of the Civil Guard issued order number 3/2000, concerning the Plan against crimes involving trafficking in women and prostitution of minors. In the performance of its duty, the Civil Guard has been conducting frequent and systematic inspection raids without waiting for complaints to be lodged or for reports of suspected illegal activity.

In the context of the Special Plan against crimes involving trafficking in women and prostitution of minors, 37 criminal organizations have been broken up, 204 individuals have been arrested, and there have been 173 reports of suspected offences. It is estimated that around 14,118 individuals may have practiced prostitution in nearly 900 clubs that were inspected.

In these operations by the Civil Guard, it was found that 70 per cent of the victims were from Central and South American countries, particularly from Colombia, which accounts for 35 per cent of the total number of foreign victims. Victims from European countries accounted for 17 per cent, especially Russia. Approximately 13 per cent of the victims were from African countries.

Since 1988, with a view to improving work in this field, the Minister of the Interior has been directing the State security forces and law enforcement personnel to improve their services to victims of traffic in persons and exploitation of prostitution. The rules are disseminated by means of internal orders and training activities in the training, promotion and specialization centres.

Reference should also be made to the tools used by the Police to encourage victims to report cases of abuse and mistreatment, as well as the operations of special police services such as the ones providing care for women (S.A.M.) and to foreign nationals (S.A.C.E.). These services are provided by officials who specialize in investigating offences that affect women in general and foreigners. Insofar as possible, and depending on the availability of human resources in the police precincts, every effort is made to ensure that these units are headed by female officers and that interpreters are available to facilitate communication with the victims.

In any event, reports of abuse brought by immigrant women are treated in just the same way as reports presented by any other citizen. This means that an investigation is conducted automatically in order to locate the suspected offenders, to gather evidence and make it available to the authorities. At the same time, the

necessary resources are mobilized to ensure that the victim receives professional help and to safeguard her personal security.

There has been increase collaboration between the competent bodies of the Ministry of the Interior and those in the Ministry of Labour and Social Affairs, both in investigating illegal hiring practices and in connection with inspections and registries of clubs and establishments of all types that hire foreign women whose migratory status in the country is not in order. These activities are carried out in the context of the instruction issued on 15 February 1994, on collaboration between law enforcement personnel and Labour and Social Security inspectors.

II. Changes in the legal order

The current legal order in Spain does not provide for any administrative or penal sanctions for persons who practice prostitution, although it does classify as an offence the actions of those who benefit from sexual exploitation of another person.

The 1995 Penal Code did not deal with the emerging problem of international sexual traffic, but the issue was addressed with the adoption of Organic Law 11/99, of 30 April, which amends certain articles in Volume II, Title VIII of the Penal Code (on offences against sexual freedom and indemnity), which refer to prostitution.

With regard to minors or handicapped persons, the Penal Code classifies as an offence the inducement, promotion, favouring or facilitation of prostitution by a minor or a handicapped person (article 187) and the use of a minor or handicapped person for exhibitionist or pornographic purposes or in exhibitionist or pornographic shows, trafficking in pornography with minors or handicapped persons and failure to prevent a minor or a handicapped person from continuing in prostitution (article 189).

With regard to adult prostitution, article 188 provides for the regulation of offences related to prostitution and facilitating international traffic in persons for purposes of sexual exploitation.

In the first paragraph, this article expressly stipulates that anyone who by using violence, intimidation or deceit or by taking advantage of a position of power or the need or vulnerability of the victim causes an adult to practice prostitution or to continue in prostitution shall be punished with imprisonment of two to four years and a fine of twelve to twenty-four months.

The second paragraph provides the same sanctions for anyone who directly or indirectly encourages a person to enter, stay in or leave the national territory for the purpose sexually exploiting him/her by using violence, intimidation or deceit or by taking advantage of a position of power or the need or vulnerability of the victim.

Moreover, the Penal Code provides for punishment of the perpetrator of such offences, whether it be an individual or an organization. Should the perpetrator be a public official, the penalty shall be increased and the person shall be permanently disqualified from holding public office.

The reform also introduces a specific provision for situations in which there is sexual abuse in addition to exploitation for purposes of prostitution or traffic for purposes of sexual exploitation. The two offences shall be subject to separate penalties.

Organic Law 4/2000, of 11 January, amended by Organic Law 8/2000, of 22 December, on rights and freedoms of foreigners in Spain and their social integration (Foreign Nationals Act), article 59 provides for situations in which victims, witnesses or parties to an act involving the traffic of persons or exploitation of prostitution are persons whose status in Spain is not in order, stipulating that if they cooperate with law enforcement, they shall not be expelled from Spain and shall not be held criminally liable.

Once the process has concluded, the persons concerned may return to their country or remain in Spain; they shall be allowed to stay, obtain residency and even a work permit, and shall receive assistance to integrate them into society under the terms of the Foreign Nationals Act and the pertinent regulations (Royal Decree 864/2001, of 20 July, approving the regulations for implementing the Act).

As of 1 August 2001, 48 women had obtained residency permits as a result of having been witnesses in procedures against perpetrators of offences involving traffic in persons for purposes of sexual exploitation.

Of the 48 foreign women, 18 were Colombian, 15 Russian, 11 Romanian, 1 Brazilian, 1 Bulgarian, 1 Nigerian and 1 Ukrainian. Residency permits are currently being processed for 7 other foreign women in the same situation.

In addition, they may benefit from the measures envisaged in Organic Law 19/1994, of 23 December, with regard to protection of witnesses and experts in criminal cases, given that this law does not make a distinction between nationals and foreigners.

When necessary, free legal assistance is provided for victims of traffic in persons and exploitation of prostitution. Article 22 stipulates that all foreigners shall be entitled to free legal assistance in administrative or judicial proceedings that may entail their leaving or being expelled from Spanish territory, as well as in asylum proceedings; they shall also be entitled to interpretation services in such proceedings.

The normative framework under penal law was completed with the adoption of Organic Law 6/2000, of 4 October, authorizing the ratification by Spain of the Statute of the International Criminal Court. Accordingly, the actions of the Criminal Court shall complement the national criminal jurisdictions of the signatory States.

III. Policies and programmes

In the context of the Plans on Equal Opportunities, particularly the third one, the Institute for Women's Affairs has taken measures to fight traffic in women and girls and sexual exploitation.

Among others, it has taken the following actions:

Promotion of legislative reforms, mentioned above.

Annual grants to NGOs involved in rehabilitation of prostitutes and victims of traffic in persons.

From 1999 to 2001, the Institute for Women's Affairs, with funds allotted to it from the individual income tax, subsidized a number of programmes carried out by associations engaged in providing care, prevention and rehabilitation of women who are victims of traffic and prostitution.

The two Plans against Domestic Violence adopted by the Spanish Government since 1998 (see report on Recommendation 19) also serve indirectly as weapons in the fight against traffic in women and girls and the exploitation of prostitution.

In addition, a Plan of Action against the Sexual Exploitation of Minors 2002-2003 was adopted. This Plan is coordinated by the General Directorate for Social Action, Minors and Families, the Ministry of Labour and Social Affairs. The autonomous communities, the Spanish Federation of Municipalities and Provinces and several NGOs have also been involved in its implementation.

Among other actions carried out under the Plan, it is worth noting the work of the specialized units of the State security forces, particularly the Civil Guard's group on offences involving advanced technology and the police force's group on offences involving information technology. These groups are charged with preventing the spread of new types of offences based on new technologies.

In addition to the aforementioned agencies and the autonomous communities, other institutions are organizations are also addressing this issue.

The Mixed Committee on Women's Rights of the Cortes Generales is also studying the problem of international traffic in women and children, with a view to promoting specific programmes and solutions to prevent, suppress and punish new types of practices in the world sex market.

On the international scene, Spain is supporting efforts undertaken recently in different forums to strengthen the fight against traffic in persons, especially women and children.

In the context of the United Nations, on 15 December 2000, Spain signed the United Nations Convention against Transnational Organized Crime and the two protocols thereto, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Air and Sea.

Spain is also participating fully in the implementation of European Union policies and programmes on violence against women in general and trafficking in women and children, in particular. Among others, it has participated in the following:

The Daphne Programme on prevention of violence against children, young people and women (2000-2003). This programme has a budget of 20 million euros, and is aimed at helping protect children, young people and women from violence, including exploitation and sexual abuse, by providing support to victims and preventing them from being exposed to further violence. It also provides support to NGOs and organizations working in this field. Among other things, it provides funding for:

- Transnational activities aimed at setting up multidisciplinary networks and ensuring exchange of information, good practices and cooperation throughout the Community.
- Transnational activities designed to raise public awareness of the problem.
- Complementary activities.

Of the 415 projects submitted to the Commission during 2000, 47 were chosen; six of these were presented by Spanish organizations.

The STOP Programme. This programme, which carries out promotional activities, exchanges, training and cooperation, is directed to those responsible for assisting victims and preventing and combating trafficking in human beings and the sexual exploitation of children, e.g., judges, prosecutors, police and customs authorities, immigration and border-control personnel, social services personnel, researchers, representatives of NGOs and volunteers.

The first phase, STOP I (1996-2000) had a budget of 6.5 million euro. At present, the second phase, STOP II (2001-2002), has a budget of 4 million euros, divided into equal amounts for each of its two years' duration.

The programme includes the following types of co-funded actions:

- Training;
- Exchanges and practice periods;
- Research and studies;
- Meetings and seminars;
- Dissemination of results obtained through the programme.

Of the 55 projects that were submitted to the Commission during 2000, 18 were chosen; one of them presented by a Spanish entity.

The seminar on Traffic in persons and sexual exploitation of women and children, held in Madrid on 29 and 30 November 2000, organized by the General Commisariat for Foreigners and Documentation of the General Directorate of Police. This seminar involved the participation of Member States of the European Union, Central and Eastern European countries and Latin American countries in discussing the situation with regard to trafficking in women and children. The project focused on problems of trafficking into Spain from Latin America, Eastern Europe and sub-Saharan Africa. Attendees shared experiences and knowledge of the current situation.

Our country has also been supporting the work of other organizations, including the Council of Europe, through its Steering Committee for Equality between Women and Men, on which the Institute for Women's Issues is represented and which has been focusing on the phenomenon of trafficking in persons. It drew up Recommendation No. (2000)11, adopted by the Committee of Ministers on 19 May 2001, on action against trafficking in human beings for the purpose of sexual exploitation. This has been a very useful tool for the design and implementation of national policies on the matter.

Article 7. Public and political life

I. Current situation

Article 23 of the Constitution establishes the right of all citizens to participate in public affairs, directly or through representatives and to equal opportunities for holding public office, in accordance with the requirements established by law.

In the political sphere, women have been better represented at all levels, i.e., at the European, national, regional and local levels, as well as in decision making in the executive, legislative and judicial branches.

The data for the most recent elections for posts in the European Parliament, held in 1999, show that women held 34.38 per cent of the 64 seats assigned to Spain. This presents an increase of 1.57 per cent over the previous term and a higher share than the median for the entire European Union (29.7 per cent).

As far as the Congress of Deputies is concerned, the following table shows that women were much better represented in the last legislature than in the one before it. During the 1996-2000 legislature, 77 out of 350 seats, or 22 per cent, were held by women. During the current legislature, this percentage has risen to 28.29 per cent; in other words, 99 of the 350 seats are held by women. Thus, the presence of women has increased overall by 28.57 per cent.

Legislature	*No. seats*	*Women elected*	*% Women elected*
1996-2000	350	77	22.00
2000-2004	350	99	28.29

Source: Based on data supplied by the Congress of Deputies.

During the current legislature, the presence of women has increased more, compared with the previous term, than it has in the Congress. Women now hold 63 seats, compared with 38 in the past legislature; this represents an increase of 65.79 per cent.

Legislature	*No. seats*	*Women elected*	*% Women elected*
1996-2000	256	38	14.84
2000-2004	259	63	24.32

Source: Based on data supplied by the Senate.

The female presence in high-ranking positions in the State Administration has also increased. As noted in the following table, during 2002 women held 16.05 per cent of high-level positions in the State Administration, whereas in 1996, they had held 10.5 per cent. The largest increase has occurred in the Secretariats of State, in the Under-Secretariats and the General Directorates.

	1996			*2002**		
	Women	*Men*	*%Women*	*Women*	*Men*	*%Women*
Total	**35**	**297**	**10.54**	**56**	**293**	**16.05**
Presidency	0	1	0.00	0	1	0.00
Vice-Presidencies (***)	0	2	0.00	0	2	0.00
Ministries	4	10	28.57	3	13	18.75
Secretariats of State	0	25	0.00	1	26	3.70
Under-secretariats	4	53	7.02	15	54	21.74
General Directorates	27	208	11.49	33	176	15.79
ACSR*				4	23	14.81

* This group is made up of high-level officers of public entities who are appointed by the Government, even though they have specific administrative rank.

** Data for March 2002.

*** Each of the two positions of Vice-President is held by a Minister.

Source: Based on data supplied by the Ministry of Public Administration.

With regard to elections held in the autonomous communities, the data show that 31.55 per cent of individuals holding seats in the parliaments in 2001 were women, compared with 19.78 per cent in 1997. Thus, the increase was significant.

	Women	*Men*	*% Women*
1997	234	949	19.78
2001	372	807	31.55

Source: Based on data supplied by the parliaments of autonomous communities and the report entitled Participación de la mujer en las elecciones del 13 de junio de 1999, IMOP.

Women's participation has also increased in the autonomous governments. At present, 20.3 per cent of Council seats are held by women, while in 1996, they only held 11.33 per cent. Thus, the number of women has risen from 17 to 40, representing an increase of 135.2 per cent in the last election, compared with the previous one.

Legislature	*Women*	*Men*	*% Women*
1997	17	133	11.33
2001	40	157	20.30

At the local level, in the municipal elections of 1999, 250 more women were elected to the position of mayor than in the previous election. This represents an increase of 47.26 per cent.

	Women	*N° of Municipal Governments*	*% Women*
1995	529	8,096	6.53
1999	779	8,105	9.61

Source: Based on data supplied by the Ministry of Justice and of the Interior 1995, and the Ministry of Public Administration, 1999.

The female presence in the Judiciary grew considerably between 1999 and 2002, as the percentages of women increased in all posts, including the Supreme Court, which for the first time in its history now has a female magistrate. The largest increase (16 points) was in appointments of judges; these were followed by magistrates, with 10.6 points.

	1999			2002		
	Women	*Men*	*%Women*	*Women*	*Men*	*% Women*
President of Supreme Court	0	1	0.00	0	1	0.00
Supreme Court Magistrates	0	94	0.00	1	94	1.05
Magistrates	908	1,091	32.3	1,143	2,056	35.73
Judges	238	194	55.1	274	154	64.02

Source: Based on data supplied by the General Council of the Judiciary.

Over the last few years, the number of women who are members of political parties has also increased. Data supplied by the parties that are well represented in the parliament show that, except for the Basque Nationalist Party (PNV), which lost 4.36 per cent of its membership during those years, the number of women members has increased in all parties. In both the Popular Party (PP) and the Spanish Socialist Workers' Party (PSOE), the increase in female membership has been greater than that of male membership. Thus, the data for 2000 show that in the Popular Party, the percentage of women members has grown by 2.72 points compared with 1996, and in the Spanish Socialist Workers Party it has grown by 3.70 points.

	Both Sexes	*Women*	*% Women*	*Both Sexes*	*Women*	*% Women*
		1996			*2000*	
PP	504,372	149,789	29.70	619,190	200,749	32.42
PSOE	365,445	90,227	24.69	419,155	119,003	28.39
IU*	57,000	-	-	67,802	19,662	29.00
PNV	31,830	12,191	38.30	30,442	10,505	34.51

* The data refer to 1994; no breakdown by sex is available for that year.

Source: Based on data supplied by the political parties.

As regards trade union membership, the membership data for the two main trade unions in the public sector (UGT and CCOO) show that in 2002, out of a total membership of 1,571,567, 505,970 are women. This means that women account for 32.2 per cent of the membership.

II. Changes in the legal order

The General Election Law does not include any provision for ensuring guarantee gender equality in lists of candidates. On certain occasions, some political parties have established quota systems.

Two autonomous communities, Castilla la Mancha and the Balearic Islands, have adopted laws aimed at achieving gender balance in their parliaments. Thus, Castilla la Mancha adopted Act 11/2002, of 27 June, amending Act 5/2986, of 23 December, on elections in Castilla la Mancha. This law provides that in order to guarantee the principle of equality in political representation, the candidacies submitted by political parties, federations, coalitions or groups of voters shall alternate between men and women, so that candidates of one sex shall run for even-numbered offices and those of the other sex for odd-numbered offices. The Elections Board shall only accept nominations that meet this requirement, both in regard to the candidates themselves and to their alternates.

For the same reason, Act 6/2002, of 21 June, amending Act 8/1986, of 26 November, on elections in the Autonomous Community of the Balearic Islands, stipulates that in order to ensure the principle of equality in political participation, nominations for elections must be balanced between men and women. Candidates shall be listed on the ballots in alternating order between the two sexes.

The Government has brought appeals against both laws before the Constitutional Court.

III. Policies and programmes

1. Publications

Although, as mentioned earlier, there is no law providing for quotas in political participation, the third Plan on Equal Opportunities did mention specific areas in which women's access to decision-making positions should be promoted. Among others, the following actions were taken:

- Strategies were developed based on an analysis of the obstacles that hinder women's participation in decision making.
- Training was provided with a view to improving women's decision-making skills.
- Support was provided for associations and organizations involved in promoting access of women to decision-making processes.

Women will gain greater access to decision-making positions as a result of these actions, those of the autonomous communities and the adoption of the Conciliation Act. Measures have been taken to better balance the distribution of family responsibilities, and programmes, such as the Optima Programme, have been implemented to foster the advancement of women in business.

During the period covered by this report, the Institute for Women's Affairs organized a publicity campaign which was disseminated through different mass media with a view to encouraging women to increase their participation. The campaign, entitled "Women participating in society" and using the slogan "Don't stay behind", was carried out from 14 to 29 January 1999. Five hundred posters were distributed by the Information Centres on Women's Rights, the autonomous communities and the Advisory and Information Centres of the municipal governments. The content of the campaign was subsequently included as an example of good practice in Spain, in a publication issued by the Council of Europe's Steering Committee for Equality between Women and Men under the title Guia de buenas prácticas de estrategias de concienciación para una representación equitativa de mujeres y hombres en la toma de decisiones.

Between 1999 and 2001, a total of 9,300 copies of the following titles were published on the subject of participation in public and political life:

	No. of copies
Situación de la mujer en la toma de decisiones	1,000
La mujer y la Constitución española de 1978	1,000
La igualdad entre mujeres y hombres en el Derecho Europeo	2,300

	No. of copies
La evaluación de las políticas de igualdad	1,000
Mujeres científicas en España (1950-1970)	1,000
Mujer y Política. La participación de la mujer en las elecciones generales celebradas en Madrid (1931-1936)	1,000
Las mujeres en cifras 2001	2,000
Total	**9,300**

The following studies were subsidized by the Institute for Women's Issues in the context of the National Plan on Scientific Research, Development and Technological Innovation:

- La participación de la mujer en las elecciones del 13 de junio de 1999
- Rompiendo el techo de cristal: beneficios de la diversidad de género en los equipos directivos
- Análisis de las candidaturas y resultados de las elecciones generales del año 2000
- Paridad: las mujeres en los espacios del saber y la autoridad
- El estilo de la clase política femenina en España: agenda y liderazgo
- Estudio de las barreras internas y externas que obstaculizan el acceso de las mujeres a los puestos de alta responsabilidad en el sector automoción, financiero y de seguros y en las administraciones públicas

Article 8. International representation and participation

I. Current situation

Although the participation of women in political life has gradually increased, there is still an obvious imbalance in terms of quantity and quality. This is even more evident in the sphere of international relations, particularly as regards positions of responsibility.

Bearing in mind the difficulties encountered in this regard, the third Plan on Equal Opportunities, which was in force up to the end of 2000, envisaged measures to promote increased participation by Spanish women in international organizations.

As a result of the measures implemented in recent years, as noted in the preceding chapter, 34.38 per cent of Spain's seats in the European Parliament are held by women.

As more and more women have held high-level positions in the State Administration, the female presence in international organizations has also increased. For example, during the reshuffling of the Cabinet in July 2002, a woman was appointed as Minister for Foreign Affairs.

According to available data, women are represented in the Foreign Service of the Ministry for Foreign Affairs as follows:

A total of 101 Spanish women are serving as diplomats; this figure represents 12.83 per cent of total diplomats. There are a total of three female Ambassadors.

As regards the participation of women in peacekeeping operations, depending on the mission and the unit involved, women represent between 5 and 10 per cent of the total force deployed. Although the female presence is still inadequate to meet the needs of the people in the countries being intervened, the fact that an increasing number of women are participating is evidence of the Spanish Government's commitment to strengthening the gender dimension in peacekeeping missions.

As regards the role of women in prevention, conflict resolution and consolidation of peace on the international scene, it should be noted that in recent years there has been a significant increase in the participation of highly qualified women (attorneys, health care workers, university professors, etc.) on international observer teams in electoral processes in Central America, Bosnia-Herzegovina and Kosovo, and in reconstruction programmes following armed conflicts.

Election Observer Missions

Year	*N° of Elections*	*N° observers*	*% women*	*N° supervisors*	*% women*
1999	10	56	41.07	-	-
2000	15	60	33.33	43	44.19
2001	15	72	41.67	10	20
2002*	7 (1 cancelled)	36	33.33	-	-

Source: Ministry for Foreign Affairs.

* Data as of June 2002.

Following are the data on female participation in peace missions carried out by the Organization for European Security and Cooperation (OESC) in Kosovo, Albania, Croatia, Skopje, Bosnia-Herzegovina, as well as the OESC Secretariat itself:

Year	*N° women*	*N° men*
1999	8	4
2000	8	12
2001	12	13
2002*	-	-

In the field of institutional assistance with a gender approach, the Spanish Agency for International Cooperation (AECI), in cooperation with a number of NGOs, is carrying out programmes and projects on conflict prevention and resolution. To this end, humanitarian aid is combined, in the early stages of the programmes, with other types of cooperation tools. Work is currently in progress in Colombia, Guatemala, Palestinian territories, Syria and the Balkans region.

Gender mainstreaming in development cooperation

Act 23/1998, of 7 July, on international cooperation for development, marks the trend that should be followed in regard to gender mainstreaming. Among the principles, objectives and priorities embodied Spanish policy on international cooperation are those relating to the defence and promotion of human rights and fundamental freedoms, peace, democracy and citizen participation with equality for women and men and, in general, non-discrimination based on sex, race, culture or religion.

The master plan for Spanish cooperation for 2001-2004 establishes the promotion of equality between women and men as one of the three strategies for horizontal cooperation.

The activities carried out in this field go from the setting up of mixed commissions at the national level, to implement State policies, to the grassroots level, including collaboration with decentralized institutions and groups and women's associations. There is an increased awareness of the need to work in this area, both among Spanish institutions and civil society and among those of the counterpart countries.

The Spanish Agency for International Cooperation has established, in its Technical Cabinet, a Gender Unit which provides advisory services, assistance and technical support to the General Secretariat. Its responsibilities include working with international organizations (multilateral cooperation), preparing agreements, arranging for food and emergency aid, inter-institutional activities, including with the European Union, scholarship programme, and grants for development projects with NGOs. It also coordinate activities relating to gender issues and gathers information on specific activities carried out by the Agency in the area of gender and development, and participates in national and international technical meetings (CAD working group, the European Union's group of national gender experts, the United Nations system).

Since 1999, the AECI Technical Offices in Dominican Republic, Morocco, Palestine, Peru and Venezuela have had gender experts on their staffs.

During the last two years, AECI has had a budget of around 30 million euros for projects, programmes and international organizations that mainly benefit women. Most of these resources have been devoted to specialized training and scholarships, as well as to the funding of NGO projects; the remainder has been distributed between multilateral and bilateral cooperation. The projects are directed at the following sectors: health (around 50 per cent), government and civil society, support for production activities (including microcredit), education, food security and the environment. In terms of geographic areas, they have focused mostly on Ibero-America and the Arab and Mediterranean countries.

Since its inception, the Institute for Women's Issues has participated in international cooperation, promoting programmes targeting specific groups of women, and has signed agreements by means, inter alia, of agreements between the Institute and the ministry concerned. In order to ensure that the programmes pay due regard to the participation of women and the need to ensure their access to the resources and benefits of development, the Institute for Women's Issues, in collaboration with AECI, has continued its work with the "Women and Development" Cooperation Programme.

The number of applications for funding for development cooperation projects to be carried out in the context of this Programme has increased. At present, an average of 250 projects are received each year from different organizations, mainly women's organizations in Latin America.

The Programme assigns priority to training, education and retraining of women with family responsibilities, women in poor neighbourhoods in urban areas, poor women in rural areas, women who are victims of violence, indigenous women and women who have been displaced or returned.

The annual budget for project financing is 650,000 euros. Each year, between 15 and 20 applications are accepted for financing.

The projects that receive support are managed and monitored in collaboration with Spanish nongovernmental development organizations. The Institute for Women's Issues draws up a public appeal for grants in this connection.

The Institute for Women's Studies and the Complutense Institute for International Studies of the Complutense University of Madrid carry out a master's degree programme in gender and development to offer training in international cooperation. This graduate programme offers specialized technical training in the field of international development cooperation with a gender approach, in the design, implementation and evaluation of cooperation policies, strategies and programmes. It offers training for 25 women per year and is currently in its eleventh year. It is sponsored by the European Social Fund.

The degree programme has a duration of 10 months, including a 5 months of theoretical studies in Madrid, 4½ months of practical work with organizations in developing country organizations and an evaluation period in Madrid.

Activities carried out in collaboration with AECI are also worth mentioning. These include training activities in the Agency's Ibero-American Training Centres, aimed mainly at the women's offices in the governments of different countries in the region.

The following activities have been carried out in recent years:

Training Seminars

Year	*Title*	*Location*	*Dates*
1999	Cooperation and Gender	La Antigua(Guatemala)	8-12 November
2000	Violence in the family environment	Cartagena de Indias (Colombia)	18-20 October
	Advancement of women through employment	La Antigua (Guatemala)	26-28 June
2001	Reconciling home and job	Cartagena de Indias (Colombia)	29-31 October
2002	Equality policies in the European Union	La Antigua(Guatemala)	2-4 December

The Institute participates regularly in the Ibero-American meetings of ministers and persons responsible for equal opportunity policies.

The Institute for Women's Issues makes voluntary financial contributions totalling 108,182.18 euros per year to INSTRAW, UNIFEM and WomenWatch.

Article 9. Nationality

Act 36/2002, of 8 October, was adopted to amend the provisions on nationality in the Civil Code.

The Institute for Women's Issues has received several complaints of discrimination suffered by their children who were born before 19 August 1982 of a Spanish mother and foreign father. These children were only considered to be

Spanish if they did not take their father's nationality. This situation was discriminatory inasmuch as children born of a foreign mother and Spanish father were automatically granted Spanish nationality.

Act 51/1981, of 13 July, changed that situation. However, the law did not include transitory provisions or have retroactive effect, and thus, children born before that date continued to suffer the same discrimination.

Act 18/1990, of 17 December, amended the nationality section of the Civil Code by establishing, in the second transitory provision, a term of two years for those persons to opt for Spanish nationality. Acts 15/1992 and 29/1995, of 2 November, granted a new period for exercising that option, which ended definitively on 7 January 1997. Consequently, children of a Spanish mother who had not exercised the option during the established time limits continued to suffer discrimination with respect to the children of Spanish fathers, who had never been refused Spanish nationality.

The system of time limits was eliminated with the adoption of this law, which allows anyone whose father or mother is of Spanish origin and born in Spain to opt for Spanish nationality, with no age limit.

Article 10. Education

I. Current situation

The Spanish educational system provides obligatory, co-educational and free education in public schools for children between the ages of six and 16. The Constitution recognizes the right to education as a fundamental right (article 27.1).

Perhaps the most important information on education during this period is the fact that Spain has two separate educational systems, namely, the one governed by the General Education Act (LGE) and the one regulated by the Organic Law on the General Organization of the Educational System (LOGSE).

In Spain, around 50.11 per cent of Spanish women aged 16 and over in the general population have received some type of schooling.

In Spain, women's education has changed significantly over the last few years. From the quantitative standpoint, it should be noted that school is obligatory between ages six and 16. The remaining illiteracy among the adult population is basically a female phenomenon. According to the most recent data from the Active Population Survey (first quarter 2002), male illiteracy stands at 2 per cent, while female illiteracy is around 4.26 per cent.

Following is a comparative table showing the situation from 1996 to 2000 of the population aged 16 and over, by sex and educational level. The data show that despite the drop in the number of illiterate women, they are still in the majority.

With regard to the educational level of the economically active population in 2000, a higher percentage of women had completed the second stage of secondary school (50.30 per cent) and first- and second-cycle university (52.12 per cent). Women were in the minority when it came to higher vocational-technical education (42.61 per cent) and third-cycle (doctorate) university education (35.35 per cent).

The progress made by women in recent years is such that in recent years, the female population aged 16 to 40 has, in general terms, surpassed the educational level of the male population in the same age group.

Population aged 16 and over, by sex and education level

	1996						2000					
	Both sexes		*Women*		*Men*		*Both sexes*		*Women*		*Men*	
	Absolute	*% Women*	*Absolute*	*%*	*Absolute*	*%*	*Absolute*	*% Women*	*Absolute*	*%*	*Absolute*	*%*
Total	**32,215.3**	**51.70**	**16,654.4**	**100.00**	**15,560.9**	**100.00**	**32,876.2**	**51.96**	**17,048.4**	**100.00**	**15,827.8**	**100.00**
Illiterate	1,238.4	70.85	877.4	5.27	361.0	2.32	1,140.4	70.16	800.1	4.69	340.3	2.15
No schooling	4,366.5	57.63	2,516.4	15.11	1,850.1	11.89	4,576.5	57.65	2,638.5	15.48	1,938.0	12.24
Primary	10,169.8	51.85	5,273.5	31.66	4,896.3	31.47	8,713.8	52.66	4,588.7	26.92	4,125.1	26.06
Secondary or intermediate	11,797.1	48.80	5,756.9	34.57	6,040.2	38.82	11,015.0	48.71	5,365.5	31.47	5,649.5	35.69
Higher vocational-technical*	1,353.7	40.42	547.2	3.29	806.5	5.18	3,376.9	46.26	1,562.2	9.16	1,814.7	11.47
First-cycle university	1,727.7	57.50	993.5	5.97	734.2	4.72	1,961.0	56.85	1,114.8	6.54	846.2	5.35
Second-cycle university	1,482.3	44.20	655.2	3.93	827.1	5.32	1,987.2	47.05	934.9	5.48	1,052.3	6.65
Third-cycle university (doctorate)	40.8	31.13	12.7	0.08	28.1	0.18	66.2	35.35	23.4	0.14	42.8	0.27
Other	39.0	55.38	21.6	0.13	17.4	0.11	39.2	51.79	20.3	0.12	18.9	0.12

Enrolment throughout the educational system

	1996-1997						1998-1999					
	Both sexes		*Women*		*Men*		*Both sexes*		*Women*		*Men*	
	Absolute	*% Women*	*Absolute*	*%*	*Absolute*	*%*	*Absolute*	*% Women*	*Absolute*	*%*	*Absolute*	*%*
Total	**9,037,226**	**49.72**	**4,493,244**	**100**	**4,543,982**	**100**	**8,709,701**	**49.78**	**4,335,421**	**100**	**4,374,280**	**100**
Infant/pre-school	1,115,244	48.71	543,228	12.09	572,016	12.59	1,128,861	48.55	548,102	12.64	580,759	13.28
Primary/general basic education (EGB)	3,137,278	48.21	1,512,493	33.66	1,624,785	35.76	2,562,785	48.37	1,239,597	28.59	1,323,188	30.25
Compulsory secondary education	1,181,466	48.52	573,278	12.76	608,188	13.38	1,890,004	48.59	918,394	21.18	971,610	22.21
BUP and COU	1,080,784	53.04	573,234	12.76	507,550	11.17	531,032	51.92	275,731	6.36	255,301	5.84
Experimental baccalaureate	27,257	42.23	11,510	0.26	15,747	0.35	693	59.02	409	0.01	284	0.01
LOGSE baccalaureate	153,836	55.01	84,621	1.88	69,213	1.52	396,217	54.48	215,840	4.98	180,377	4.12
BUP and COU distance learning	48,464	50.24	24,348	0.54	24,116	0.53	35,269	49.93	17,611	0.41	17,658	0.40
FP I	232,113	44.50	103,291	2.30	128,822	2.84	69,540	46.09	32,048	0.74	37,492	0.86
FP II	359,530	49.31	174,126	3.88	185,404	4.08	220,598	47.80	105,454	2.43	115,144	2.63
Vocational modules II *	48,812	44.21	21,581	0.48	27,231	0.60	119,556	44.32	52,992	1.22	66,564	1.52
Vocational modules III *	55,200	51.05	28,178	0.63	27,022	0.59	110,516	49.32	54,505	1.26	56,011	1.28
First-cycle university												
Technical eng., tech. architecture	202,033	24.11	48,705	1.08	153,328	3.37	216,065	24.86	53,704	1.24	162,361	3.71
Diplomas	330,209	67.04	221,374	4.93	108,835	2.40	349,239	67.67	236,317	5.45	112,922	2.58
First- and second-cycle												

	1996-1997						1998-1999					
	Both sexes		Women		Men		Both sexes		Women		Men	
	Absolute	% Women	Absolute	%	Absolute	%	Absolute	% Women	Absolute	%	Absolute	%
university												
Licentiates	847,754	58.23	493,653	10.99	354,101	7.79	840,223	58.76	493,678	11.39	346,545	7.92
Engineering	138,851	27.69	38,447	0.86	100,404	2.21	147,912	28.69	42,430	0.98	105,482	2.41
Only second-cycle university												
Licentiates	14,682	70.65	10,373	0.23	4,309	0.09	21,428	70.17	15,037	0.35	6,391	0.15
Engineering	2,880	17.85	514	0.01	2,366	0.05	5,291	16.75	886	0.02	4,405	0.10
Third-cycle university (Doctorate)	60.833	49,79	30,288	0,67	30.545	0,67	64.472	50,70	32.686	0.75	31.786	0.73

* Includes the distance learning option.

Source: Calculations based on data from Estadistica de la Enseñanza Superior en España, National Statistical Institute and Estadistica de la Enseñanza en España, Ministry of Education and Science.

Translator's notes:

BUP: Bachillerato unificado y polivalente (unified polyvalent baccalaureate)

COU: Curso de orientación universitaria (university orientation course)

LOGSE: Ley orgánica de ordenación general del sistema educativo (Organic Law on the General Organization of the Educational System)

With regard to enrolment in BUP and COU, by course and by sex, the data show that women are clearly in the majority (51.92 per cent).

When the data are broken down, women are in the majority in the different BUP and COU options, except in the case of science and technology.

	1996-1997				1998-1999			
	Both sexes	Women	Men	% Women	Both sexes	Women	Men	% Women
Total	**1,080,784**	**573,234**	**507,550**	**53.04**	**531,032**	**275,731**	**255,301**	**51.92**
BUP	745,017	392,806	352,211	52.72	291,074	151,108	139,966	51.91
1st BUP	201,800	104,598	97,202	51.83	211	102	109	48.34
2nd BUP	247,302	130,378	116,924	52.72	148,892	77,128	71,764	51.80
3rd BUP	295,915	157,830	138,085	53.34	141,971	73,878	68,093	52.04
Option A	91,344	56,509	34,835	61.86	51,232	27,949	23,283	54.55
Option B	204,571	101,321	103,250	49.53	90,739	45,929	44,810	50.62
COU	335,767	180,428	155,339	53.74	239,958	124,623	115,335	51.94
Option A	106,169	36,334	69,835	34.22	75,868	24,691	51,177	32.54
Option B	85,989	54,741	31,248	63.66	59,763	37,075	22,688	62.04
Option C	95,728	58,059	37,669	60.65	67,832	39,718	28,114	58.55
Option D	47,881	31,294	16,587	65.36	36,495	23,139	13,356	63.40

Option A: Letters (BUP), Science and technology (COU)

Option B: Science (BUP), Biology and health (COU)

Option C: Social sciences (COU)

Option D: Humanities and language (COU)

Source: Calculations based on data from Estadistica de la Enseñanza en España, Ministry of Education and Science.

It appears from these data that female students perform better academically than male students in COU programmes, given that women represent a higher percentage of students who pass the course than of the total number of students enrolled, both in 1996-1997 and in 1998-99. In 1996-1997, women accounted for 53.74 per cent of persons enrolled and 56.33 per cent of those who passed; in 1998-1999, the figures were 51.94 per cent and 55.56 per cent, in the same order.

The results in the educational system regulated by LOGSE are similar.

	1996-1997				*1998-1999*			
	Total enrolment		*Passed*		*Total enrolment*		*Passed*	
	Absolute	%	*Absolute*	%	*Absolute*	%	*Absolute*	%
Both sexes	335,767	100.00	223,377	100.00	239,958	100.00	203,141	100.00
Women	180,428	53.74	125,838	56.33	124,623	51.94	112,866	55.56
Men	155,339	46.26	97,539	43.67	115,335	48.06	90,275	44.44

Source: Calculations based on data from Estadística de la Enseñanza en España, Ministry of Education and Science.

The data are also similar with regard to vocational training (VT), which is offered in both the systems mentioned above. In general terms, there is a balance in the percentages of men and women enrolled, both in the beginning and the intermediate courses (45 per cent were women in 1998-1999), as well as in the higher level (48.7 per cent were women in 1998-1999). This represents a step forward, since in the past, most students in vocational training programmes were usually men.

Vocational training is, in fact, the area of education in which certain subjects are clearly feminized and others are clearly masculinized. This shows that certain cultural stereotypes remain, when it comes to choosing a trade, and that much remains to be done in this regard. Not enough progress has been made towards achieving greater equality of opportunities for women and men.

Distribution by sex
Higher level vocational training

Distribution by sex
Intermediate-level vocational training

Enrolment by field and by sex (LGE)

	1996-1997				1998-1999			
	Both sexes	*Women*	*Men*	*% Women*	*Both sexes*	*Women*	*Men*	*% Women*
Total number of persons enrolled *	**592,233**	**277,849**	**314,384**	**46.92**	**290,441**	**137,506**	**152,935**	**47.34**
Administration and business	242,222	157,233	84,989	64.91	116,848	72,012	44,836	61.63
Agriculture	8,531	1,748	6,783	20.49	4,532	1,088	3,444	24.01
Graphic arts	3,830	1,302	2,528	33.99	1,708	587	1,121	34.37
Automotive industries	36,174	346	35,828	0.96	16,448	937	15,511	5.70
Construction	1,335	176	1,159	13.18	818	92	726	11.25
Drafting	26,943	7,943	19,000	29.48	13,718	4,132	9,586	30.12
Electrical/electronic trades	110,102	1,917	108,185	1.74	51,187	3,343	47,844	6.53
Community service (Domestic science)	22,218	21,906	312	98.60	13,482	12,490	992	92.64
Hotel industry and tourism	14,152	6,190	7,962	43.74	8,677	4,273	4,404	49.25
Audio-visual	6,813	2,291	4,522	33.63	3,705	1,152	2,553	31.09
Woodworking	3,530	98	3,432	2.78	1,523	82	1,441	5.38
Deep-sea fishing	1,697	56	1,641	3.30	1,426	99	1,327	6.94
Metalworking	22,147	575	21,572	2.60	10,587	598	9,989	5.65
Mining	23	0	23	0.00	-	-	-	-
Fashion and dressmaking	1,973	1,934	39	98.02	764	733	31	95.94
Hairdressing and beautician trades	18,402	17,827	575	96.88	8,329	7,427	902	89.17
Leather trades	175	28	147	16.00	17	4	13	23.53
Chemical industry	5,887	3,313	2,574	56.28	2,930	1,526	1,404	52.08
Health care	62,026	51,971	10,055	83.79	33,387	26,763	6,624	80.16
Textile	240	135	105	56.25	87	57	30	65.52
Glass and ceramics	179	67	112	37.43	190	92	98	48.42
Not specified *	3,634	793	2,841	21.82	78	19	-	-

* Includes all students enrolled in the general Vocational Training programme.

Note: Students may be enrolled in more than one field at the same time.

Source: Calculations based on data from Estadística de la Enseñanza en España, Ministry of Education and Science.

The phenomenon noted with regard to BUP and COU courses, i.e., the fact that female students performed better academically than the male students, is also confirmed by the data on vocational training, in both LGE and LOGSE programmes.

Students enrolled in VT and those who passed the previous course

	1996-1997				1998-1999			
	Both sexes				*Both sexes*			
	Absolute	*% Women*	*Women*	*Men*	*Absolute*	*% Women*	*Women*	*Men*
LGE								
VT I	232,113	44.50	103,291	128,822	69,540	46.09	32,048	37,492

	1996-1997				1998-1999			
	Both sexes				Both sexes			
	Absolute	% Women	Women	Men	Absolute	% Women	Women	Men
VT II	359,530	48.43	174,126	185,404	225,083	48.41	108,958	116,125
LOGSE								
Vocational modules II *	48,812	44.21	21,581	27,231	119,809	44.36	53,152	66,657
Vocational modules III *	55,200	51.05	28,178	27,022	111,276	49.58	55,170	56,106
TOTAL VT	**695,655**	47.03	**327,176**	**368,479**	**525,708**	**52.57**	**249,328**	**276,380**

* Includes the distance learning option.

Source: Calculations based on data from Estadística de Enseñanza en España., Ministry of Education and Science.

University enrolment rose by 2.85 per cent between the 1996-1997 and the 1998-1999 academic years; thus, total enrolment rose from 1,536,409 to 1,580,158. The increase in enrolment was greater among women, who accounted for 52.92 per cent of the total student body in 1996-1997, and 53.29 per cent in 1998-1999.

As regards the major fields in which students enrolled, women are still a minority in technical field, although there has been some increase in this regard. In four of the five major fields of study offered in universities, there has been an increase in the presence of women compared to that of men. Only in the case of the humanities has the percentage of women fallen slightly. Female enrolment has risen the most in the technical fields and the experimental sciences.

Student enrolment in universities, by sex and field of study

	1996-1997				1998-1999			
	Both sexes	Women	Men	% Women	Both sexes	Women	Men	% Women
All degrees	**1.536,409**	**813,066**	**723,343**	**52.92**	**1,580,158**	**842,052**	**738,106**	**53.29**
Humanities	152,003	98,378	53,625	64.72	161,487	102,649	58,838	63.56
Social sciences and law	800,565	480,927	319,638	60.07	801,400	487,690	313,710	60.85
Experimental sciences	126,477	66,149	60,328	52.30	129,844	70,370	59,474	54.20
Health sciences	113,600	79,946	33,654	70.38	118,159	84,323	33,836	71.36
Technical	343,764	87,666	256,098	25.50	369,268	97,020	272,248	26.27

Source: Calculations based on data from Estadística de la Enseñanza Superior en España, National Statistical Institute.

It appears that at the university level, women also show better academic performance than men. The differences between enrolment and percentages of women who passed were greater in 1998 than in 1996. Thus, the difference in performance between women and men seems to be increasing over time.

University students who completed their studies, by field of study

	1996				1998			
	Both sexes	*Women*	*Men*	*% Women*	*Both sexes*	*Women*	*Men*	*% Women*
All degrees	**170,673**	**98,967**	**71,706**	**57.99**	**202,529**	**120,022**	**82,507**	**59.26**
Humanities	15,558	10,516	5,042	67.59	18,701	12,725	5,976	68.04
Social sciences and law	98,658	62,230	36,428	63.08	114,960	74,954	40,006	65.20
Experimental and health sciences	29,806	19,756	10,050	66.28	34,721	23,081	11,640	66.48
Technical	26,651	6,465	20,186	24.26	34,147	9,262	24,885	27.12

Includes all three cycles.

Source: Calculations based on data from Estadistica de la Enseñanza Superior en España, National Statistical Institute.

There has also been an increase in the total number of doctoral dissertations approved in Spain (0.8 per cent). This increase has been greater, in percentage terms, in the group of social sciences and law; the percentage has dropped in the experimental and health sciences. Bearing in mind the changes that have taken place with regard to women, the number of doctoral dissertations approved between the 1989-1990 and the 1996-1997 academic years rose by 202 per cent.

Students enrolled in doctoral courses and doctoral dissertations approved, by sex and field of study

	Enrolled in doctoral courses in 1996-1997				*Doctoral dissertations approved in 1996 academic year*				*Enrolled in doctoral courses in 1998-1999*				*Doctoral dissertations approved in 1998 academic year*			
	Both sexes	*Women*	*Men*	*% Women*	*Both sexes*	*Women*	*Men*	*% Women*	*Both sexes*	*Women*	*Men*	*% Women*	*Both sexes*	*Women*	*Men*	*% Women*
All degrees	**60,833**	**30,288**	**30,545**	**49.79**	**5,880**	**2,333**	**3,547**	**39.68**	**64,472**	**32,686**	**31,786**	**50.70**	**5,931**	**2,491**	**3,440**	**42.00**
Experimental and health sciences	22,880	12,038	10,842	52.61	3,158	1,333	1,825	42.21	22,953	12,340	10,613	53.76	3,118	1,414	1,704	45.35
Humanities	13,093	7,431	5,662	56.76	987	424	563	42.96	14,032	7,953	6,079	56.68	841	349	492	41.50
Engineering and technology	6,049	1,528	4,521	25.26	580	112	468	19.31	6,718	1,740	4,978	25.90	687	150	537	21.83
Social sciences and law	17,706	8,933	8,773	50.45	1,109	460	649	41.48	19,163	10,087	9,076	52.64	1,225	558	667	45.55
Not specified	1,105	358	747	32.40	46	4	42	8.70	1,606	566	1,040	35.24	60	20	40	33.33

Source: Calculations based on data from Estadistica de la Enseñanza Superior en España, National Statistical Institute.

The higher the educational level in question, the lower is the percentage of women teachers. During the 1998-1999 academic year, women accounted for 95.20 per cent of the teaching staff at the infant and pre-school level; 69.50 per cent in primary school or general basic education (EGB); 49.72 per cent in secondary education and 33.64 per cent at the university level.

The situation is even more serious when it comes to the percentage of women in teaching positions at the university level; in the higher-ranking positions, such as those of department head and emeritus professor, the percentage of women is much lower than in the other categories. Thus, in 1998-1999, only 14.86 per cent of

department headships and 7.83 per cent of emeritus professorships were held by women. Women accounted for 35.11 per cent of full professors, 32.7 per cent of associate professors and 46.53 per cent of assistant professors.

A comparison between the situation during the 1998-1999 academic year and the 1996-1997 year shows some progress towards greater equality. The number of women department heads increased considerably in absolute terms. In 1996-1997, 1,256 women were department heads in universities in Spain, and this figure rose to 1,367 in 1998-1999; this represents an increase of 8.44 per cent. There was also an increase, in absolute terms, in one other case, that of associate professors, where the total rose from 9,371 to 9,442, which represents a minimal increase of 0.76 per cent.

II. Changes in the legal order

The following changes were made in the legal order during the years covered by this report:

By a decision of 13 March 1998, the Council of Ministers adopted the new Vocational Training Programme, the basic purpose of which is to consolidate an integrated system of vocational training, divided into three central areas: standard/basic vocational training, occupational training, and continuing training agreed on with social actors and the autonomous communities.

Organic Law 5/2002, of 19 June, on qualifications and vocational training, was adopted, taking the Vocational Training Programme as a point of reference. This law, which takes its inspiration from constitutional principles, guarantees access, on an equal footing, of all men and women to the different modalities of vocational training. Training is to be adapted to the changing needs of the labour market, taking into account all three modalities, i.e., standardized/basic, continuing and occupational.

Organic Law 6/2001, of 21 December, on universities, guarantees equal opportunities and the right to non-discrimination in access to university studies and positions on the teaching staff.

III. Policies and programmes

Education is one of the areas included in the third Plan on Equal Opportunities, which outlines the following objectives:

- To collaborate with other institutions and with educational centres in carrying out projects designed to promote equal opportunities for both sexes and to prevent violence against women
- To promote educational projects linking basic education and vocational training, adjusting them to the needs of women
- To promote research and dissemination of information on linguistic usages that denote sexual differences
- To promote physical exercise and sports among women
- To further the development and dissemination of coeducational teaching materials
- To participate in non-sexist teacher training

One of the factors on which greater emphasis has been placed in recent years is that of teaching materials, which sometimes still reflect the worldview that has led to the traditional stereotypes. To this end, different universities and associations have cooperated in the development of informational material that will serve as tools for non-sexist education. Guidelines on good practices have also been developed for the same purpose.

Efforts have also been made to sensitize teachers and make them aware of the importance of communicating the principle of equality. Courses to train teachers in this regard have been offered on a yearly basis, in collaboration with the Ministry of Education and Culture, the university training schools, the agencies concerned with equality issues in the autonomous communities, teacher unions and other entities.

Thanks to a number of cooperation agreements with the Ministry of Education, Culture and Sports, it has been possible to co-finance courses designed to promote non-sexist education in educational centres.

In 1989, the Institute for Women's Issues and the Spanish Confederation of Parent-Teacher Associations signed a framework cooperation agreement, which is renewed on an annual basis. Activities are carried out under this agreement to promote the participate of parents in initiatives aimed at ensuring that boys and girls have equal opportunities in education, including the following:

- Publication of a bimonthly magazine containing information on coeducation, entitled Ser Padres/Madres. This magazine, of which 11,500 copies are printed, is distributed through the provincial federations to all parent-teacher associations in the Confederation.
- Training course for persons involved in training parents on the matter of abuse.
- Seminar on Training and awareness-building for integration: strategies for promoting an inter-cultural approach in schools through Associations for the Promotion of Social and Cultural Activities (APAS).
- Course on Vocational orientation in the home: career choices and non-traditional training cycles, for parents of adolescents.

Another fundamental objective of the Government's plans, including Plans on Equal Opportunities, on promotion of employment and on social participation, is to offer occupational training courses designed to improve the employability of unemployed women. To this end, the Institute for Women's Issues, in collaboration with the autonomous communities, municipal governments and congresses of deputies, offers training tailored to the needs of the local community. These programmes are set in locations where new jobs are being created and are directed at unemployed women with different training profiles.

Different types of training are provided in these courses, since their fundamental objective is to meet the needs of the local market. They have an approximate duration of 200 hours.

In this regard, it is worth mentioning the Alba Project on improving the employability of women, which is carried out in the framework of the Leonardo da Vinci Community Programme for the promotion of vocational training. This project was selected for co-financing by the European Commission during the 1998-2000 period.

The Alba Project is a pilot experiment that is being implemented with a view to exploring new avenues for vocational training programmes.

The objective of the Project is to promote coordination between basic, vocational and occupational training subsystems, in collaboration with different social agents, by improving training options to enhance the employability of adult women who do not have a basic education or the skills necessary to fill existing vacancies.

The project is being promoted by the Institute for Women's Affairs, in cooperation with the Ministry of Education, Culture and Sports, the National Employment Institute, the National Institute on Qualification; Italy and Portugal also cooperate as transnational partners.

The following actions have been taken:

- Design of vocational profiles for follow up
- Development of guidelines and training modules
- Promotion of the use of new technologies
- Recognition and accreditation of training
- Identification and description of occupations suitable for the target population

One hundred women participated in the first pilot courses, and according to follow-up data, 65.3 per cent intend to continue their studies, either by enrolling in the subject matters they have not yet passed, or in higher-level courses. Likewise, 69.3 per cent of women who received training obtained a job after taking the course, 40.8 per cent of them in the hotel industry.

Along with teacher training and awareness-building, efforts have been made to promote the use of language denoting both male and female in every area of life, but especially in education. Accordingly, the NOMBRA Advisory Commission on Language was set up. After conducting a critical review of the Diccionario de la Real Academia Española de la Lengua, the Commission submitted its recommendations to the Academy, which took them into account in preparing the 2000 edition of the dictionary. Working meetings and seminars on language have also been held with representatives and institutes and university seminars on women's studies, in order to disseminate the latest research in this field.

In 1999, in collaboration with the Spanish Confederation of Parent-Teacher Associations (CEAPA), handbooks were drawn up entitled "Tareas domésticas: hacia un modelo de responsabilidades compartidas" (2000 copies) and "Orientación profesional desde la familia" (2000 copies). In 2001, a course on Vocational orientation in the home: career choices and non-traditional training cycles was carried out in cooperation with CEAPA.

Also in 2001, in cooperation with the Centre for Educational Research and Documentation of the Ministry of Education, Culture and Sports, the following research studies were conducted: "Trayectorias profesionales de mujeres con estudios tradicionalmente masculinos", "Reparto de responsabilidades entre mujeres y hombres en el mundo de la educación" and "La escolarización de hijas de inmigrantes".

In order to encourage the creation and operation of seminars on women's studies at the universities, financial support has been provided through annual grants, organization of activities and the exchange of experiences among the university seminars. University seminars and institutes of women's studies are now in place in all Spanish universities.

Since 1999, the Institute for Women's Issues has been implementing the RELACIONA Project to address the treatment of violence in educational centres. The idea is to encourage teachers to reflect on the relationship between the traditional model of masculinity and violence against women that is prevalent in society and which can be changed through education.

Another field of endeavour has to do with encouraging women to practice sports. The available data show that physical exercise is not widely practiced by women in all age groups; this has a negative effect on their health and overall development. Efforts are therefore being made to encourage sports in educational institutions and through different social agents.

To this end, the Ministry of Labour and Social Affairs has been working with the Ministry of Education, Culture and Sports, in the context of the Cooperation Agreement on the organization of activities in the field of sports. Accordingly, the Institute for Women's Issues and the Superior Council on Sports are carrying out joint activities designed to promote coeducation in sports, to prepare and disseminate teaching materials, to promote women's sports and to conduct research and analysis on the subject.

Among others, the following activities have been carried out:

- Prize to the Autonomous Community that has done the most to encourage female participation and achieved the best results in the national school championships
- Preparation of a video for teachers, entitled "Elige tu deporte", which includes suggestions for activities to be carried out in different educational centres
- Disaggregation by sex of data on different sports practiced in schools, universities and federations

With similar goals in mind, the Institute for Women's Issues and the Women and Sports Foundation have signed a Cooperation Agreement. The following activities have been carried out under this agreement:

- Creation of a Monitoring Unit on Women and Sports
- Organization of a workshop on Women and Sports, at which information was provided on the current situation with regard to the presence of women and their participation in sports.

In recent years, cooperation agreements were signed with other public agencies, including the National Consumer Institute and universities, with a vied to carrying out activities promoting non-sexist education and training, education on sex and the emotions, and sharing of family responsibilities.

With a view to ensuring that the mass media portray women properly, without sexist stereotypes, the Institute signed a cooperation agreement with the State corporation, Radiotelevisión Española. The idea is to analyze the presence of

women in the media, discuss the way violence against women is treated and train professionals to improve the portrayal of women in news and other programmes.

Another of the training activities carried out by the Institute for Women's Issues to promote equal opportunities is the following:

The course for persons involved in promoting equal opportunities, with a duration of 270 hours. This course is designed to provide training, from the standpoint of equal opportunities, for technical and professional personnel who work with women in different areas relating to social policies, education, health and others, with a view to mainstreaming gender policies.

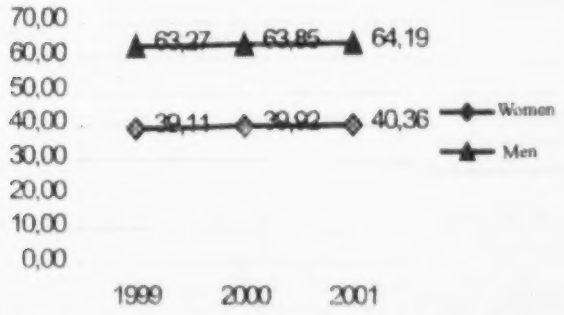
Article 11. Employment

1. Current situation

Since 1997, the labour market has been evolving satisfactorily in Spain, in an economic context marked by an annual growth rate of over 4 per cent. However, the progress achieved in recent years has still not completely offset the weaknesses of the Spanish labour market. The employment rate is still low and unemployment is high, especially among women, likewise, despite growth in permanent contracts, the percentage of temporary jobs is still high.

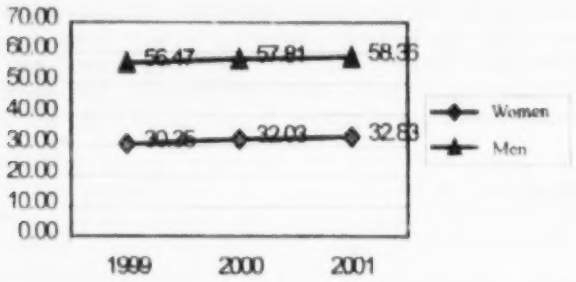
The challenge for the next few years will be to overcome these weaknesses and continue intensive job-creation efforts, especially permanent jobs. To this end, work is being done to promote training and education, which as mentioned in the previous chapter, has become the key to increasing the female employment rate.

Between 1999 and 2001, the activity rate rose more among women than among men, i.e., by 1.25 points versus 0.92. This growth is even more dramatic when compared with the data provided by Spain in its first report to the Committee on the Elimination of Discrimination against Women. Thus, in 1985, the female activity rate was 27.6, whereas for men it was 68.6. Although women's share in the labour market is still moderate, it has grown more during these years than the rate for men. Considering the measures that Spain is taking in regard to employment, this trend can be expected to continue over the next few years.



Source: Calculations based on data from the Active Population Survey, fourth quarter.

Occupation rates for women and men has risen considerably. Nevertheless, as in the case of the activity rate, the increase is greater among women, compared with the female occupation rate for 1985. At that time, the female activity rate was 20.75 per cent; by 2001, it had risen by 12.08 points.



Source: Calculations based on data from the Active Population Survey, fourth quarter.

Bearing in mind the absolute figures for the occupied population, the participation of women has risen in all occupations considered, except in the categories of craft workers and skilled workers in the manufacturing, construction and mining industries (except operators), plant and machine operators and assemblers, and skilled agricultural and fishery workers. Women are clearly under-represented in these occupations. As noted in the previous chapter, on education, programmes and activities are being carried out with a view to diversifying the curricula.

Employed population by type of occupation

	1999		*2001*	
	Total	*% Women*	*Total*	*% Women*
Total	**14,041.8**	**36.95**	**14,966.9**	**37.86**
Corporate managers and senior government officials	1,117.6	30.99	1,155.5	32.37
Technician/professionals	1,619.1	48.92	1,784.9	49.68
Technicians and associate professionals	1,273.4	39.01	1,525.0	42.45
Administrative staff	1,359.6	59.55	1,420.2	61.53
Restaurant, personal and protective services and salespersons	1,969.2	58.96	2,080.7	59.97
Skilled agricultural and fishery workers	691.6	25.36	619.7	24.04
Craft workers and skilled workers in the manufacturing, construction and mining industries (except operators)	2,408.4	7.59	2,578.8	7.32
Plant and machine operators and assemblers	1,465.8	15.92	1,503.1	14.78
Elementary occupations	2,069.1	47.06	2,113.5	48.75
Armed forces	67.7	4.87	82.5	8.85

Source: Calculations based on data from the Active Population Survey, fourth quarter, National Statistical Institute.

Note 1: Data in thousands.

Another point worth noting is the sharp increase in the presence of women in the Armed Forces, which doubled in just three years. Figures supplied by the Ministry of Defence show that the Land Army has the largest female presence, with 6,727 women; it is followed by the Navy, with 1,989 and finally, the Land Army, with 1,961 women.

The unemployment rate fell by 7.35 percentage points since 1999; it stood at 11.4 during the first quarter of 2002. Both male and female unemployment rates fell; however, in 1999, 2000 and 2001, the female unemployment rate was still twice as high as the rate for men, i.e., 22.40, 19.76 and 18.65, in that order.

One of the strategies followed for combating unemployment, which is closely linked to educational level, is to offer training. Thus, both for men and for women, the higher the level of schooling, the lower the unemployment rate. In the case of women who do not know how to read or write, the rate is more than 20 percentage points higher than the rate for those who have completed university.

Unemployment rate by educational level

	1999			*2001*		
	Total	*Women*	*Men*	*Total*	*Women*	*Men*
Total	**15.40**	**22.40**	**10.80**	**12.96**	**18.65**	**9.08**
Illiterate	28.80	36.80	21.20	28.05	34.91	22.97
No schooling	20.20	22.90	18.70	17.31	24.60	13.17
Primary	14.30	21.40	11.00	12.46	18.34	9.48
Secondary or intermediate	16.60	24.90	10.90	13.79	20.14	9.88
Intermediate vocational-technical	17.50	25.80	10.30	12.97	20.43	7.24
University (1st cycle)*	13.20	18.90	8.10	10.88	13.82	7.15
University (2nd cycle)				10.06	14.20	6.37

* The data for 1999 are not broken down by first- and second-cycle university studies, but are included as Higher Education.

The most recent data on average wages show that although the difference between men and women in narrowing, it is still very sharp. In 1999, it was 24.6 per cent lower than men's, while in 2000, it was 25.3 per cent.

The greatest differences in wages are industry and services, where women's wages are nearly 30 per cent lower than men's. In construction, the wage differences between the sexes is very small.

Average earnings by worker and month, activity sector, occupational category and sex

	2000		
	Men	*Women*	*% W/M*
Total sectors	2,770,330	194,103	69.99
Industry	294,977	205,740	69.75
Construction	224,371	209,915	93.56
Services	285,886	188,866	66.06

Source: Calculations based on data from the Survey of Wages in Industry and Services, fourth quarter. National Statistical Institute.

As may be seen in the table, the number of contracts for women in all age groups is increasing, although it does not amount to 50 per cent in any of them.

Contracts recorded* by sex and age

	1999				*2001*			
Age	*Total*	*Women*	*Men*	*% Women*	*Total*	*Women*	*Men*	*% Women*
	13,235,327	**5,438,070**	**7,797,257**	**41.09**	**14,056,484**	**6,043,999**	**8,012,485**	**43.00**
16-19	1,246,625	456,979	789,646	36.66	1,269,849	483,408	786,441	38.07
20-24	3,457,011	1,500,826	1,956,185	43.41	3,502,291	1,579,159	1,923,132	45.09
25-29	2,810,885	1,228,936	1,581,949	43.72	2,973,007	1,336,395	1,636,612	44.95
30-34	1,859,997	747,964	1,112,033	40.21	1,983,178	832,317	1,150,861	41.97
35-39	1,362,509	554,797	807,712	40.72	1,511,135	648,712	862,423	42.93
40-44	984,932	406,934	577,998	41.32	1,142,656	508,640	634,016	44.51
45-49	677,599	259,219	418,380	38.26	771,846	325,363	446,483	42.15
50-54	475,688	165,673	310,015	34.83	495,269	191,083	304,186	38.58
55-59	253,010	78,465	174,545	31.01	284,273	95,966	188,307	33.76
60 and over	107,071	38,277	68,794	35.75	122,980	42,956	80,024	34.93

Source: Calculations based on data from the Ministry of Labour and Social Affairs.
Anuario de Estadísticas Laborales y de Asuntos Sociales. Movimiento Laboral Registrado.

* At the National Employment Institute (INEM), Instituto Social de la Marina and Employment Services of the Autonomous Communities.

II. Changes in the legal order

During this period, the most important changes have been those made in the following laws:

Act 55/1999, of 29 December, on fiscal, administrative and social measures, as well as Act 12/2001, establishing the employment promotion programme, in force during 2000 and 2001. Under this programme, reductions are granted on employer contributions to Social Security, with a view to encouraging companies to hire women and other groups that have difficulty entering the labour market. The reductions are offered to encourage companies to offer permanent contracts for either full-time or part-time work.

Reductions in Social Security contributions for hiring of women

Category of unemployed persons		*% reduction on employer contributions to Social Security*		*Duration of reduction(months)*
		Men	*Women*	
Unemployed for more than 6 months		20 + 5[1][2]	30 + 5[3]	24
> aged 45 – 55		50	60	First 12
		45	55	Period remaining
> aged 55 – 65		55	65	First 12
		50	60	Period remaining
Recipients of benefits/unemployment subsidies whose benefits expire in one year or more		50	60	First 12
		45	55	From 13th to 24th
Unemployed persons participating in the *Renta activa de inserción* (minimum income) programme		65	75	24
Women >16 – 45 years		25		24
In professions which they are under-represented	> 45 years or unemployed	70		First 12
	> 6 months	60		From 13th to 24th
	< 45 years unemployed	35		24
	< from 6 months			
Unemployed for 12 months or more, hired within 24 months after giving birth		100		12
Recipients of unemployment subsidy for workers covered by the R.E. Agrario (special agrarian regime)		90		First 12
		85		From 13th to 24th

Act 39/1999, of 5 November, is aimed at helping workers reconcile their family life and their jobs. This law makes changes in the workers statute, the Social Security Act, the labour procedures act and the civil service act, and opens the way for equal opportunities for women and men. It seeks to strike a balance so as to ensure that workers can take maternity or paternity leave without this having a negative effect on their access to employment, their working conditions and on women workers' eligibility for positions of special responsibility. At the same time, it makes it easier for men to participate in child care right from the time a child is born or is brought into the family.

1 If the worker is the first person hired by a self-employed worker who has been registered since before 2/1/2001 and who, in carrying out his activities, had not hired anyone during the previous 12 months, the reduction is increased by 5 percentage points.

2 These groups may also be hired under the incentive to offer permanent contracts, in which case compensation equivalent to 33 days' wages per year of service (up to 24 months) is payable in the event of unfair termination on disciplinary grounds. The following groups may be hired under this arrangement: young people aged between 16 and 30, women hired in professions in which women are under-represented, persons older than 45 years, unemployed workers who have been registered for 6 months or more and workers who, on the date of the new contract under the incentive to offer permanent contracts, have been employed at the same company under a fixed-term or temporary contract, including trainees, since before 31 December 2003.

* Reductions are mutually exclusive; the beneficiary may only opt for the reduction corresponding to one of the situations for which a given worker is eligible.

3 Reduction granted for hiring a woman under a full-time contract. To this may be added the increase referred to in note 1.

The most significant changes are:

- Sixteen weeks, to be extended, in cases of multiple birth, by two weeks for each child after the second one.
- If the mother dies, the father may take the rest of the leave time.
- If both parents work, the mother may choose for the father to take up to 10 weeks, unless the mother's health would be at risk if she returns to work.
- Identical regulations apply for leave in cases of adoption or pre-adoption or permanent foster care of children up to six years old or disabled or handicapped children. If both parents work, the leave period shall be distributed at the discretion of the parents, who may take leave either simultaneously or successively, for uninterrupted periods.
- In cases of international adoption, when the parents are required to travel to the country of origin of the adoptee, the leave period may begin up to four weeks before the adoption is officially completed.
- Except during the six weeks of compulsory rest for the mother, leave may be taken for full days or on a part-time schedule, subject to an agreement between the employer and the worker.
- Two days paid leave, or four if necessary for the worker to travel, in cases of accident or hospitalization of a relative up to the second degree of blood relationship or affinity.
- Reduction of working hours, with a corresponding reduction in pay, for a worker to serve as direct caretaker of a relative, up to the second degree of blood relationship or affinity, who because of age, accident or illness, is not able to take care of him/herself, and who is not gainfully employed.
- Differences between employers and workers shall be settled by an emergency procedure, to be processed on a preferential basis.

Act 12/2001, of 9 July, on urgent reforms in the labour market in order to create jobs and improve their quality provides that, when children are hospitalized after birth, the mother or father may be absent from work for one hour, reducing their working hours by up to two hours, with a corresponding reduction in pay. Except during the six weeks of compulsory rest for the mother, the remaining ten weeks of leave may be taken from the date on which the child is released from the hospital.

Workers may take the ten-weeks maternity leave or 16-weeks leave for adoption or pre-adoption or permanent foster care on a part-time schedule. Such arrangements are regulated by Royal Decree 1251/2001, of 16 November, on regulations relating to economic benefits under the Social Security system for maternity and high-risk pregnancy. These regulations include the following provisions:

- Leave may be taken by either parents, provided they are both working.
- In any event, leave by taken simultaneously or successively.
- Leave must be taken without interruption.

- The leave period shall be extended proportionally to the length of the work day.
- The same worker may not simultaneously take leave for breastfeeding or reduction in working hours to care for family members.

Prohibition against termination

The aforementioned law on reconciling family life and work prohibits termination because of pregnancy, request for or enjoyment of maternity, paternity or family-care leave, unless the termination is unrelated to discrimination. The law also stipulates that absences arising from high-risk pregnancies, sicknesses related to pregnancy and childbirth, and breastfeeding shall not be considered unexcused absences from work.

Social protection during pregnancy

The law on reconciling family life and work amends Act 31/1995, on prevention of job-related hazards, and closes a gap in the previous legislation, by providing that in cases of maternity in which concerns relating to the health of the mother or the unborn child required a change in jobs or duties, and such a change was not possible, the worker shall be declared to have a high-risk pregnancy, and be entitled to Social Security protection. Accordingly, a new benefit was created similar to that provided in cases of temporary incapacity owing to a common illness with certain special characteristics. The economic benefit, to be paid by Social Security, consists of a subsidy equivalent to 75 per cent of the relevant base pay, and is regulated by Royal Decree 1251/2001, of 16 November, on regulations relating to economic benefits under the Social Security system for maternity and high-risk pregnancy.

The requirements for entitlement to this benefit are:

- The worker must be affiliated and have paid into the Social Security system for a minimum period of 180 days within the last five years.
- This Royal Decree also regulates maternity, adoption and foster-care leave, as follows:
- Both the mother and the father must meet the requirements in order to be eligible for leave. In cases of childbirth, if the mother has not met the minimum number of contributions, the mother may choose to have the father receive the benefit, except for the six weeks of obligatory rest.
- If the child died less than six weeks after birth, the worker shall be entitled to receive the benefit during the rest of the period of obligatory rest. She shall have the same entitlement in case of miscarriage, provided the fetus has been in the womb for at least 180 days.
- If the father dies during the leave period, the mother is entitled to the remainder of the benefit.
- In cases of absence, illness or accident, abandonment or other similar causes, on the part of the father, the mother may choose to revoke her decision to assign the benefit to him.

- If a worker should apply for sick leave during part-time maternity leave, the worker shall be entitled simultaneously to the sick leave benefit, and the level of pay shall be calculated based on the Social Security contribution for the shortened work day for maternity leave.

Act 24/2001, of 27 December, on fiscal, administrative and social measures, amends article 222 of the combined text of the General Social Security Act, to provide that if a contract should terminate during maternity leave, the worker shall continue receiving the maternity benefit until it ends and shall then be legally unemployed and be entitled, provided the requirements are met, to unemployment benefits.

By an order of 9 January 2001, regulating the Special Agreement on Social Security, another measure was approved whereby workers whose work day has been shortened in order to allow them to care for family members up to the second degree of blood relationship or affinity may enter into a special agreement with the Social Security system, without having to meet minimum contribution requirements, in order to maintain the contribution base at the level at which they were contributing prior to the reduction of the work day. This measure, which had already been in force since 1991 in respect of workers acting as legal guardians for children under six or physically or mentally handicapped children, is now extended to cover the aforementioned situation as well as the care of sensorily handicapped persons.

In 1998, a 100 per cent reduction on employer contributions to Social Security, including those relating to accidents on the job and work-related sickness, had been approved for substitution contracts whereby unemployed persons were hired to replace workers on leave for maternity, adoption or foster care.

The 1999 law on reconciling family life with work extends the reduction to substitution contracts for workers whose contracts have been suspended owing to high-risk pregnancy and Act 12/2001, mentioned above, allows for the same reduction to be granted, for one year, for hiring unemployed women who have been registered with the unemployment office for 12 months or more and who have given birth during the last 24 months.

Act 24/2001, also mentioned earlier, amends several articles in the General Social Security Act which refer to widow's and orphan's pensions.

It establishes regulations on compatibility between the widow's pension and remarriage and extends the age limits and income requirements for children receiving orphan's pensions: under 22 or 24, in the case of absolute orphans, and in the event the persons is working, their earnings shall be no higher than 75 per cent of the national minimum wage.

The widow's pension is set at 46 per cent of the benefit base, although when there are children, income and dependents, it is 70 per cent.

Royal Decree 1465/2001, of 27 December, partially amending the legal regime for death and survivor benefits maintains the termination of widow's pensions in case of remarriage, but allows for compatibility in certain cases:

- If the widow is over 61, or under that age but entitled to a pension for absolute or serious disability, or a handicap of 65 per cent or over;

- If the widow's pension is the main source of income, representing at least 75 per cent of total income.
- If the couple's income is no more than twice the amount of the national minimum wage.

Decree-Law 1/2000, of 14 January, on certain measures for improving family benefits provided by the Social Security system establishes two new lump-sum benefits: for the birth of a third child or subsequent children, and for multiple births. In addition, it increases the amounts paid for dependent children, which had not been changed since this benefit was established in 1991. These benefits are granted under both the contributing and the non-contributing regimes.

In the first case, the benefit consists of a lump-sum payment of 450.76 euros for children born in Spain or abroad, provided the child immediately becomes a member of a family residing in Spain. The benefit depends on family income.

The lump-sum payment for multiple births is for children born in Spain or abroad but who immediately become members of a family residing in Spain. The benefit depends on the number of children born and is granted in all cases of multiple births, regardless of family income.

On the question of equal pay, article 28 of the Workers' Statute was amended by Act 33/2002, of 5 July, which provides that employers are required to provide equal pay for equal work, either directly or indirectly, either in the form of wages or otherwise, with no gender-related discrimination whatsoever in any aspect of or condition for such pay.

III. Policies and programmes

A number or plans were approved during this reporting period, 1999-2002, including the annual National Employment Plans, the third Plan of Action for Equal Opportunities, the Vocational Training Plan, the comprehensive family assistance plan, the social participation plan, all of which develop employment policy.

The primary purpose of the Employment Plans – at present, the fifth and last such plan envisaged in the European employment strategy – is to create more jobs of better quality. To this end, certain general objectives are outlined, including that of stressing equal opportunities, both as the cross-cutting main line of action that inspires each programme, and as the Fourth Pillar under the title of Strengthening the policy on equal opportunities for women and men.

The main objective of this Fourth Pillar is to obtain information on the status of women and their situation in the labour market, to prevent different forms of discrimination, both direct and indirect, and reconcile their family life with work.

The measures that have been taken are aimed at: increasing and improving women's employability; increasing their rates of employment and occupational diversification; reducing non-wage costs involved in hiring them, by means of tax incentives; reducing inequality in unemployment rates of men and women; developing women's skills and entrepreneurial spirit, and adapting their training to the demands of the labour market.

Under the second Vocational Training Plan, training is established as a key element in active employment policies.

The most important innovation is that priority is given to financing training for women, unskilled workers and workers over 45, as well as training in new technologies.

During 2001, new regulations were drawn up for the workshop schools (Escuelas Taller) and trade schools (Casas de Oficio) and the employment workshop programme. With the new regulations, all participants in these projects also receive training in new information and communications technologies.

An evaluation of the national employment incentive plans shows that during these years, 90,000 women have received training in new technologies. It is expected that 170,000 unemployed workers of both sexes will participate in this training during the current year.

The second Vocational Training Plan 1998-2002 is aimed at consolidating a system bringing together the three existing subsystems, i.e., standard/basic, occupational and continuing vocational training. Training centres are being reinforced with supplementary services such as orientation and job placement, the use of structural funds is being optimized and mobility of students/workers and trainers is encouraged.

Also worth mentioning is the company-school connection, the expansion of distance learning programmes, flexible training schedules for certain groups and the strengthening of social plans and safety nets, with a view to bringing training and employment policies more in line with each other.

Efforts are also being made to enhance training for self-employment and strengthen activities relating to the development of the social economy and new sources of employment, prevention of job-related hazards and environmental conservation. These training programmes focus on offering guidance to unemployed workers, with full regard for the principle of equal opportunities.

As noted earlier, the third Plan on Equal Opportunities for Women and Men was set up to promote equality between women and men in all activities and in policies at all levels, i.e., to promote gender mainstreaming. To this end, the Institute for Women's Issues takes part in the yearly exercise of drawing up the National Plan of Action on Employment of the Kingdom of Spain.

The Institute for Women's Issues is a permanent member in good standing of the follow-up committees for the Structural Fund operating programmes, i.e., the European Regional Development Fund (ERDF), European Agricultural Guidance and Guarantee Fund (EAGGF), European Social Fund (ESF) and Instrumento Financiero de Orientación de la Pesca (IFOP). It works to guarantee equal opportunities for women and men in the projects supported by these funds, which help finance the employment plans.

The Institute for Women's Issues is carrying out the following activities designed to enhance women's employability, with cofinancing from the European Social Fund, through the Community support frameworks:

The innovative women's training programme known as Nova, which offers training in collaboration with equal opportunity agencies in the autonomous communities, with a view to reinforcing coordinated action to supplement training and adapt it to the demands of the local labour market.

As shown in the following table, between 1999 and 2001, a total of 198 courses were offered to 4,658 women, at a total investment of 3,955,237.22 euros.

	Nº of courses	*Participants*	*Investment*
1999	66	1.538	1,375,203.44
2000	60	1.320	1,239,446.23
2001	72	1.800	1,340,587.55

Source: Institute for Women's Issues.

In collaboration with different public agencies (municipal governments, congress of deputies, etc.), occupational training courses are tailored to the needs of each community and in the context of new sources of employment. The training offered varies, given that the fundamental objective is to adapt it to the needs of the local market.

During the current reporting period, a total amount of 518,553.24 euros have been spent for 53 courses attended by 997 women.

The Centre for Women Working at Home (C-TEST project), begun in 1998, is designed to provide training in new technologies and promote women's employment through telecommuting as a new modality for helping women to enter the labour market. It is directed at women who have knowledge of computers and are engaged in a professional activity or commercial undertaking that can be carried out through the use of new technologies.

Online training has been offered since 2001. As shown in the following table, this has made it possible to substantially increase the number of courses offered as well as the number of users.

	No courses	*No participants*
1999	4	112
2000	2	50
2001	45	1600

Source: Institute for Women's Affairs.

This virtual centre also provides information, orientation and advice on telecommuting and allows users to link their own Web pages to the site.

Programmes designed to help women at risk of being excluded to become integrated into society and into the work force. These include the CLARA Programme for women in any of the following groups: victims of gender violence, heads of household, uneducated women over 45 years old, women belonging to ethnic minorities, immigrants, disabled or imprisoned.

During 2002, a programme for helping women who have been victims of abuse to enter the labour market was put underway through a cooperation agreement with the National Employment Institute and the VIPS group of companies, which offer jobs with flexible working hours and close to a woman's home; they also offer training for the job in question.

Finally, the seminars on job orientation and job search techniques, directed at women who have been unemployed for a long time, are designed to offer them the tools they need to look for a job by giving them information on new channels of access to the labour market.

These seminars are organized in cooperation with different local governments, provincial congresses of deputies and agencies involved in equality issues in the autonomous communities. The heads of human resource departments of local businesses also participated in these seminars.

Between 1999 and 2001, 52 seminars were held. They were attended by 1,051 women, and cost a total of 226,171.63 euros.

The promotion of businesses operated by women is one of the main lines of action of the Institute for Women's Issues, considering that when women work independently they become a part of the economy, raising the low percentage of women engaged in business. The following programmes are carried out with this in mind:

The programme called "De emprendedora a empresaria" ("From Enterprising Woman to Woman Entrepreneur"). Under this programme, which was part of the Community's NOW employment initiative and ended in 1999, a comprehensive scheme for promoting and strengthening women's entrepreneurial initiatives was put in place. It led to the creation of technical assistance offices in the Chambers of Commerce that offered information services, training and advice to women who wanted to start up a business as self-employed workers or entrepreneurs. These offices also provided assistance with self-evaluation and management activities.

As a result of this Programme, information was provided to 12,528 women, 3,725 women received training, 44,462 received advisory services, and 1,134 enterprises were created resulting in 2,000 new jobs.

Continuing with these efforts, the Programme on Management Support to Women, carried out in collaboration with the Superior Council of Official Chambers of Commerce, Industry and Navigation of Spain and the local Chambers of Commerce, provides information, orientation and advice to women entrepreneurs and businesswomen on matters relating to the establishing and managing a business. These services are provided through 58 offices in the Chambers of Commerce that collaborate with the Institute, as well as through an online service created in 2001, at www.e-empresarias.net.

Thus, women are able to ask questions, via Internet, on matters relating to setting up a business (procedures, legal forms, etc.) and business management. This service offers necessary information in order to enable users to conduct a self-evaluation of their project or business activity. As of 15 November 2002, 6,819 queries had been received.

In addition, the programme publishes a bulletin that provides information of interest to businesses and on related Websites.

During the two years in which the programme has been in operation, 1,580 enterprises have been created, generating 602 new jobs.

	No. queries from women	*No women receiving advice*	*Businesses created*	*Jobs generated*	*Investment in €*
2000	5328	6765	708	287	811,366.34
2001	5531	6710	872	315	1,014,718.79

Source: Institute for Women's Issues.

The programme has also organized workshops, one of which was aimed at reflecting on what it means to be an entrepreneur and on innovation in small and medium-sized enterprises. Another workshop dealt with technical issues affecting women entrepreneurs.

In the area of training in business management, the Institute for Women's Issues, in collaboration with other institutions, is offering courses for enterprising women who have a project and want to carry out a plan to improve their businesses and promote an entrepreneurial spirit.

Technical assistance is offered to women entrepreneurs through individually tutored courses offered in the context of a cooperation agreement between the Institute for Women's Issues and the Fundación del Instituto Cameral para la Creación y Desarrollo de la Empresa (INCYDE).

The results of this effort are shown below:

	No courses	*No participants*	*No business projects*	*Amount in euros*
1999	3	51	32	150,353.03
2000	4	93	79	192,323.87
2001	8	171	138.00	359,995.25

Source: Institute for Women's Issues.

The Institute for Women's Issues and the Fundación Escuela de Organización Industrial (EOI) are implementing a programme directed at women who either have a business project and want to learn how to carry it out, or who have already set up their own business and need further management training.

A total of 843 women have participated in 37 courses under this programme, representing a total investment of 901,518.16 euros.

	No of courses	*Participants*	*Investment*
1999	10	250	300,506.05
2000	13	250	300,506.05
2001	14	343	300,506.05

Source: Institute for Women's Issues.

Given the difficulties encountered by women who seek financing to carry out a business activity, the Institute for Women's Issues provides financial support for women's business initiatives through the following:

Grants under the general regime for programme implementation. Grants are provided every year to entities and not-for-profit organizations that are legally established to carry out different projects aimed at helping women to become self-employed and set up their own business. Between 1999 and 2001, a total of 184,811.22 euros have been earmarked for 14 projects carried out by associations.

Grants called "Emprender en Femenino" ("Being a Woman Entrepreneur"), which are aimed at helping women become self-employed and encouraging their entrepreneurial activity. During this reporting period, the Institute for Women's Issues promoted the fourth, fifth and sixth editions of these grants.

These subsidies are directed at women who have established their own business in the context of new sources of employment or who have been engaged in occupations in which women are under-represented. They are granted in amounts of up to 6,010.12 euros.

As shown in the following table, 355 women entrepreneurs received grants amount to a total of 1,636,889.48 euros.

	No applications received	*No grants provided*	*Amount in euros*
1999	626	112	450,759.08
2000	827	131	600,642.30
2001	949	112	585,488.10

Source: Institute for Women's Issues.

During 2001, the Institute for Women's Issues implemented a microcredit programme, whereby women received financing without being required to put up collateral. This programme was carried out in conjunction with La Caixa, Caja de Ahorros y Pensiones de Barcelona, Fundación La Caixa, Fundación Internacional de la Mujer Emprendedora (FIDEM) and the General Directorate on Policies for Small and Medium-Sized Businesses of the Ministry for Economic Affairs. A line of credit was set up totalling 6,010,121.04 euros; individual loans were granted up to a maximum amount of 12,020.24 euros, at 5 per cent fixed interest.

The programme is geared to women who are starting a business or who started it less than a year before, or women who submit a business plan according to established standards that has been certified by FIDEM. In 2001, loans totalling 90,151.82 euros were granted to 32 women.

In 1999 and 2000, the Ministry of Labour and Social Affairs signed a cooperation agreement with Banco Santander Central Hispanoamericano S.A. under which loans are granted to women's business projects.

Loans may be granted for up to 70 per cent of the planned investment. In 1999 and 2000, 8,200 brochures were published to provide information on this plan. In 2000 and 2001, 98 loans and 25 credits were granted totalling 2,471,090.40 euros.

In 2000, under the agreement a service called EUROS was started whereby the Bank provided advisory services on the start-up process and financial advice on evaluation and analysis of investment projects.

Promotion of women in business

As noted in the previous report, the OPTIMA programme which has been carried out by the Women's Institute since 1996 is intended to enable women to join businesses and move up through affirmative action programmes designed to eliminate inequalities in this area. The programme is co-financed by the European Social Fund and has been chosen as an example of good practices by the European Union.

An important aspect of this programme is the creation, in 1996, of an award for entities that collaborate in promoting equal opportunities for women and men. This is granted in recognition of companies that work to promote equality through affirmative action plans. At present, 59 companies with a total of 107,878 workers from different economic strata are working to promote equal opportunity at different stages of the programme. Seventeen firms have received the award.

Activities carried out between 1999 and 2001 include: publication of materials, organization of meetings at which companies exchange experiences and good practices, and creation of a network. In 2001, an effort was to promote access of women to management positions through fellowships for women to study for a master's degree in management development.

The problem of differences in pay between women and men led the Institute for Women's Issues to organize training workshops for the most representative trade unions as well as for legal operators, i.e., judges, prosecutors, labour inspectors, etc. with a view to disseminating information on national and community regulations in this area.

In 2000,. the Institute for Women's Issues produced two publications, Guía de Buenas Prácticas para garantizar la igualdad retributiva and Herramientas para eliminar la discriminación retributiva. Both were produced in the context of the fourth community programme of action on equal opportunities for women and men in the labour market.

At present, the Institute for Women's Issues is leading the ISOS Project as part of the Community Framework Strategy on gender equality (2001-2005). The objectives of ISOS are:

- To analyze the relationship between gender-based wage discrimination and the characteristics of jobs.
- To establish a job appraisal system with neutral criteria.

Article 12. Health

I. Current situation

Life expectancy

Women in Spain live considerably longer lives than men. The data from 1998 onward have varied by a few tenths: in that year, women had a life expectancy of 82 years, while men's life expectancy was 75 years. In 2000, women had a life expectancy of 82.1 years and men, of 75.3 years.

Mortality

In 2000, the last year for which mortality data are available for Spain, there were 2,123 infant deaths. As shown in the following table, most infant deaths occur during the first 12 months of life. In all age groups considered, except the 4-year-olds, a higher percentage of boys died than girls.

	Both sexes	*Girls*	*Boys*	*% girls*
Total	**2,123**	**944**	**1,179**	**44.47**
Age				
< 1	1,740	781	959	44.89
1	150	62	88	41.33
2	93	38	55	40.86
3	73	28	45	38.36
4	67	35	32	52.24

Source: Calculations based on data from Movimiento Natural de la Población, National Statistical Institute. 1999.

As regards mortality among the population of Spain as a whole, in 1999, 371,102 people died, 47.39 per cent of them women.

An analysis of causes of death by sex shows that among both men and women, the main causes of death were diseases of the circulatory system, but more women than men die of such diseases. There are significant differences between the sexes when it comes to morality caused by mental illness, as well as diseases of the osteomuscular system and conjunctive tissue; in these cases, more women die than men. On the other hand, mortality due to trauma and poisoning is higher among men.

Causes of death

	Total		*Women*		*Men*	
	Absolute	*% Women*	*Absolute*	*%*	*Absolute*	*%*
All causes	**371,102**	**47.39**	**175,847**	**100**	**195,255**	**100**
Infectious and parasitic diseases	6,530	39.65	2,589	1.47	3,941	2.02
Tumours	94,566	37.37	35,338	20.10	59,228	30.33
Diseases of the endocrine glands, nutritional and metabolic disorders	11,382	61.74	7,027	4.00	4,355	2.23
Blood diseases and diseases of the haematopoietic organs	1,124	57.21	643	0.37	481	0.25
Mental illnesses	11,520	65.62	7,559	4.30	3,961	2.03
Diseases of the nervous system and of the sensory organs	10,303	56.80	5,852	3.33	4,451	2.28
Diseases of the circulatory system	131,774	54.48	71,792	40.83	59,982	30.72
Diseases of the respiratory system	45,194	41.44	18,727	10.65	26,467	13.56
Diseases of the digestive system	18,972	45.31	8,596	4.89	10,376	5.31
Diseases of the genito-urinary tract	7,713	50.75	3,914	2.23	3,799	1.95
Complications of pregnancy, childbirth and the postpartum period	15	100.00	15	0.01	0	0.00

	Total		*Women*		*Men*	
	Absolute	*% Women*	*Absolute*	*%*	*Absolute*	*%*
Skin diseases and diseases of the subcutaneous cellular layer	910	69.01	628	0.36	282	0.14
Diseases of the osteomuscular system and connective tissue	3,208	70.23	2,253	1.28	955	0.49
Congenital anomalies	1,142	46.41	530	0.30	612	0.31
Certain conditions originating during the perinatal period	788	43.91	346	0.20	442	0.23
Undefined signs and symptoms	9,550	57.10	5,453	3.10	4,097	2.10
Trauma and poisoning	16,411	27.94	4,585	2.61	11,826	6.06

Source: Calculations based on data from Defunciones según causa de muerte, National Statistical Institute, 1999.

Drug use: tobacco, alcohol and other narcotics and psychotropic substances

The data shown below were taken from the fourth report of the Spanish Monitoring Unit on Drugs, published in March 2001 on the basis of three surveys conducting during 1995, 1997 and 1999, and a study conducted by the Sociological Research Team and published by the Institute for Women's Affairs in 2000.

The analysis of trends in tobacco use confirms that there are differences between the sexes. While smoking declined steadily among men from 1995 onward (by 5.5 percentage points in respect of 1999), it increased among women by 2.3 points between 1997 and 1999, thus breaking an overall downward trend in tobacco use over the past few years.

Among the general population aged 15 to 65, daily tobacco use is higher among men (37.1 per cent) than among women (28.1 per cent). Nevertheless, the percentage of women smokers is higher than that of men among 15 to 19 year olds and between the ages of 25 and 29; the greatest differences are in the 15 to 19 age group, (5.5 per cent more women smokers than men). The highest percentage of women who smoke every day is in the 25 to 29 age group.

Daily tobacco consumption by age group and sex (percentages)
Spain 1995-1999

Age group (years)	*1995*		*1997*		*1999*	
	Men	*Women*	*Men*	*Women*	*Men*	*Women*
15-19	24.5	23.2	18.7	26.8	18.0	23.5
20-24	42.4	40.8	42.3	37.0	36.9	35.4
25-29	48.0	45.2	44.8	40.7	37.9	38.6
30-34	54.2	42.4	52.4	36.9	46.2	35.3
35-39	51.5	34.7	47.0	35.6	50.8	37.8
40-65	41.6	14.0	39.5	13.7	35.1	20.0

Source: Government Delegation for the National Drug Plan. Spanish Monitoring Unit on Drugs (OED).

As regards alcohol consumption, in 1995, most drinkers were men aged between 25 and 29, in 1999, most drinkers were also men, but in the 35-39 age

group. Higher levels of consumption among women occurred in the 20-24 age group in all three surveys. However, drinking increased considerably among younger women (aged 15 to 19) during the period 1995-1999.

	1995		*1997*		*1999*	
Age group	*Men*	*Women*	*Men*	*Women*	*Men*	*Women*
15-19	56.8	37.7	53.8	46.2	54.9	50.9
20-24	75.6	53.2	79.1	60.4	76.5	65.3
25-29	77.9	46.0	76.9	55.1	77.6	62.6
30-34	70.2	39.8	80.3	52.3	79.2	55.7
35-39	73.1	45.1	80.3	53.7	83.0	52.0
40-65	65.2	29.6	73.3	41.5	74.5	42.1
15-65	68.4	38.0	73.3	48.2	74.7	50.7
Total	**53.0**		**60.7**		**61.7**	

Source: Government Delegation for the National Drug Plan. Spanish Monitoring Unit on Drugs (OED).

The statistics on prevalence of heroin use in the 1999 survey shows a clear preponderance of use among men: 0.6 per cent, compared to 0.3 per cent among women.

Trends in heroin use, by sex (percentages)
Spain 1995-1999

	1995		*1997*		*1999*	
	Men	*Women*	*Men*	*Women*	*Men*	*Women*
Used at least once	1.5	1.0	0.9	0.2	0.6	0.3
Last 12 months	0.8	0.3	0.4	0.1	0.1	0.01
Last 30 days	0.5	0.2	0.3	0.1	0.1	0.01

Source: Government Delegation for the National Drug Plan. Spanish Monitoring Unit on Drugs (OED).

The habitual use of tranquilizers among women is 3.5 per cent. The prevalence of this habit is three times higher among women than among men.

Use of tranquilizers by women

	General	*Students*
Used at least once	9.7	15.2
Average starting age (years)	37.95	14.75
Used in the last 12 months	6.7	8.1
Used at least once	5.6	5
Frequency of use during the last month		
Less than once a week	2	2.4
Once a week	0.1	1.2
Two to six times a week	0.8	0.7

	General	*Students*
Every day	2.7	0.7

Source: Prepared for the Institute for Women's Issues by the Sociological Research Team (EDIS). El consumo de Alcohol y otras drogas en el colectivo femenino. Institute for Women's Issues, Madrid, 2000.

The use of hypnotics is more prevalent among women than among men; 2 per cent of women take them habitually.

Use of hypnotics by women

	General
Used at least once	3,3
Average starting age (years)	44,83
Used during the last 12 months	2,9
Used at least once	2,7
Frequency of use during the last month :	
Less than once a week	0.4
Once a week	0.3
Two to six times a week	0.7
Every day	1.3

These substances were included with tranquilizers in the survey of students.

Source: Prepared for the Institute for Women's Issues by the Sociological Research Team (EDIS). El consumo de Alcohol y otras drogas en el colectivo femenino. Institute for Women's Issues, Madrid, 2000.

Finally, it should be noted that after alcohol and tobacco, hypnotics and tranquilizers are the substances that are most often used habitually by women, mainly adult women.

Birth control

The fertility survey conducted in 1999 among women of childbearing age (aged 15 to 49 years) shows that the most frequently used birth control methods were: condoms (50.24 per cent) and the pill (45.74 per cent), while the least often used are the diaphragm, vaginal tampon or sponge (0.75 per cent) and the day-after pill (0.94 per cent).

	Absolute	%
Methods used		
Pill	4,649,576	45.74
IUD	1,090,798	10.73
Diaphragm, vaginal tampon, sponge	76,192	0.75
Condom	5,106,795	50.24

	Absolute	*%*
Spermicidal creams	187,057	1.84
Injection	121,990	1.2
Day-after pill	95,685	0.94
Tubes tied	636,078	6.26
Vasectomy	537,194	5.28
Other methods	59,601	0.59

Source: Encuesta de Fecundidad, National Statistical Institute. The percentages for all methods do not add up. In each case, they refer to the total percentage of the population that has used the method in question; the individuals concerned may have used more than one method.

Intentional pregnancy terminations

The available data during this reporting period cover the years 1999 and 2000. The figures show an increase of 5,375 in the number of notifications of cases of intentional pregnancy terminations (IPTs) during 2000.

	1999	*2000*
Total IPTs	**58,399**	**63,756**
IPTs on adolescents	8,510	9,047
% IPTs on adolescents	14.57	14.19

Source: Calculations based on data on intentional pregnancy terminations, Ministry of Health and Consumer Affairs.

HIV/AIDS

Acquired Immunodeficiency Syndrome affects women to a much lesser degree than men. The number of AIDS cases diagnosed during the reporting period was four times higher among men than among women. Moreover, the average age of women with AIDS during the year of diagnosis was lower than that of men.

The following table also shows that the number of AIDS cases is declining; this trend began in 1996. At present, however, the number of new infections by sexual transmission is lower than that of infections by intravenous transmission. This percentage increase in heterosexual transmission is higher among women, especially in the younger age groups.

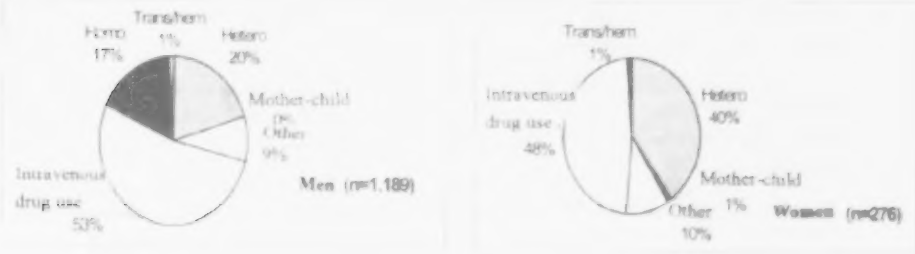
	Both sexes		*Women*		*Men*	
	No of cases	*Average age*	*No of cases*	*Average age*	*No of cases*	*Average age*
1999	2,832	36.5	578	35.0	2,254	37.9
2000	2,326	36.6	522	34.9	1,804	38.3
2001	1,980	37.2	390	36.2	1,590	38.2
2002*	572		111	36.7	461	39.4
N.C.	86	31.0	15	29.1	71	32.8

* Data as of 30 June 2002.

Source: National AIDS Registry, National Epidemiological Centre, Carlos III Health Institute.

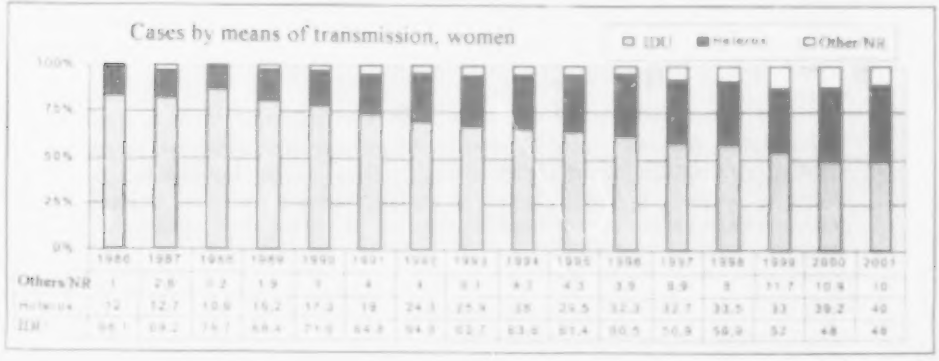
There has been a change in the epidemiological profile of AIDS cases in Spain. In 2001, 40 per cent of cases diagnosed were caused by heterosexual transmission, while transmission among men was 20 per cent.

AIDS cases diagnosed in 2001, by sex and category of transmission



Source: Secretariat of the National AIDS Plan, National Epidemiological Centre, Carlos III Health Institute, Ministry of Health and Consumer Affairs.

Percentage of cases by the 3 main means of transmission, by year of diagnosis, in women



Source: National AIDS Registry, updated 31 December 2001.

Heterosexual transmission, which stood at 10.6 per cent in 1988, has moved steadily upward over the years; in 2000, it was 40 per cent. At the same time, transmission by intravenous drug use has dropped.

II. Changes in the legal order

The most important development during this reporting period has been the ratification of the Additional Protocol to the Convention for the Protection of

Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings, done at Paris on 12 January 1998.

III. Policies and programmes

With regard to the implementation of policies and programmes, it should be noted that the transfer of competencies, in the field of health, from the State to the autonomous communities has been completed, leading to the adoption of health plans by the latter authorities.

At the national level, efforts have continued on plans to combat drugs and AIDS. Since these plans cover the entire population, the Institute for Women's Affairs has been working to ensure that gender mainstreaming policies are adopted in the programmes.

The Spanish Monitoring Unit on Drugs monitors the situation with respect to drug abuse in Spain through the collection and analysis of data relating to both sexes. Its findings are made available to institutions and professionals who are involved in or work in this field, as well as other interested persons. The Monitoring Unit also serves as an effective decision-making tool for those in charge of the National Drug Plan presupposes the existence of an effective decision-making tool that enables those responsible for the National Drug Plan to plan adequately and implement programmes in this area.

Spain is following the guidelines established by the World Health Organization's Action Plan for a Tobacco-free Europe, currently in force, under which Member States draw up their own plans, as well as global policies, as proposed in the Framework Convention on Tobacco Control. Accordingly, the authorities are preparing a national plan on tobacco prevention and control, soon to be adopted, which will be in force until 2006. The autonomous communities are also drawing up regional plans, following the guidelines of international agencies.

The main objectives of the AIDS Plan are those that were adopted by the World Health Assembly in 1987, namely, to prevent new infections, to reduce the negative personal and social impact of the epidemic and to mobilize and coordinate efforts to combat HIV/AIDS infection. In implementing the plan, interventions of proven effectiveness will be used, targeting the general population, the most vulnerable groups and individuals. In 2000, an evaluation of the Multisectoral Mobilization Plan 1997-2000 was prepared; this document includes an overall analysis of the process and the main results achieved as the Plan nears completion, as well as a number of recommendations.

In 2001, the new Multisectoral Plan 2001-2005 was adopted. This document outlines the guiding principles of the Plan and describes strategies and objectives for each area of endeavour (prevention, assistance, epidemiological surveillance, research, citizen participation, institutional coordination and international cooperation), bearing in mind the global objectives on AIDS adopted by the World Health Assembly.

In 2001, evaluation indicators were revised with a view to adapting them to new objectives and priorities and correcting shortcomings that have come to light in previous years.

The actions taken through cooperation agreement are mainly geared towards prevention. The Institute for Women's Issues is carrying out a programme on prevention of heterosexual transmission of HIV/AIDS in women, based on the Framework Agreement and special agreements it has signed with the Secretariat of the National AIDS Plan of the Ministry of Health and Consumer Affairs. This programme, which is being carried out in the autonomous communities, is aimed at sensitizing primary health care workers and training them for work with women. Training materials drawn up for this programme have been re-edited.

Training is also being provided for trainers to work with professionals who have worked with the programme, who will then conduct seminars for the health care workers in primary care centres. Special materials, entitled Género, subjetividad y relación sanitario/a y paciente, have been prepared in connection with this phase of the programme. In May 2002, a publication entitled Revisión epidemiológica was prepared to provide further details on the HIV/AIDS epidemic among women. This document will be published shortly.

In 2001, the Institute for Women's Issues signed a protocol providing for collaboration with the Government representative for the National Drug Plan of the Ministry of the Interior. The aim is to promote research studies to help prevent drug use among women, to disseminate information designed to prevent drug use among women and to work to reduce the damaging effects of drug use. In 2002, the Institute for Women's Issues promoted the holding of a symposium on the treatment of drug addiction among women.

In 2002, the Institute for Women's Issues and the Secretariat of the National AIDS Plan of the Ministry of Health and Consumer Affairs organized Mujeres Adelante workshops, which were held simultaneously with the XIV International Conference on AIDS in Barcelona. The workshops were intended to create awareness and provide further training in connection with the problems facing women with HIV/AIDS, to facilitate the dissemination of international experiences of non-governmental organizations and to promote networking among women in different countries.

The Programme on Promotion of Healthy Habits and Prevention of HIV/AIDS among Women Prisoners is being carried out in the context of a cooperation agreement between the Institute for Women's Issues and the Ministry of Justice and the Interior (General Directorate of Penitentiary Institutions). The objective is to train professionals and volunteers working in penitentiaries to carry out group activities on health for women inmates.

The Institute for Women's Issues has also entered into cooperation agreements with foundations and non-for-profit NGOs involved in prevention, promotion of healthy habits, trainings of professionals, research and preparation of teaching materials.

The Comprehensive Women's Health Care Plan, adopted in 1998, is one of the actions undertaken to implement health policies by the National Health Institute (INSALUD). Under the plan, traditional women's health care activities are coordinated, quantified and organized with a view to improving services and strengthening certain programmes at two levels of assistance – primary and specialized – and increase coverage.

In brief, the objectives of the plan are:

- To promote actions already being carried out by the INSALUD centres.
- To reinforce and expand services found to have shortcomings.
- To present in a comprehensive manner actions and measures being carried out by the public system to improve women's health.

The actions carried out under the plan during the first two years are now being consolidated.

Age	*Programme*
Women aged 15-34	Information on and monitoring of birth-control measures
Women aged 35-49	Information on and monitoring of birth-control measures
	Early detection of cervical cancer
Women aged 50-64	Early detection of breast cancer
	Early detection of edometrial cancer
	Early detection of cervical cancer
	Treatment of menopause-related problems

It will not be possible to determine the decline in cervical cancer (the general objective of the programme) until at least five or ten years after the start of the programme. Efforts to promote the use of epidural analgesia and actions to combat breast cancer are worthy of mention. A protocol on epidural analgesia during childbirth has been drawn up and cooperation agreements between the autonomous communities and INSALUD have been signed to promote early detection of breast cancer.

In the context of special framework agreements with the Ministry of Health and Consumer Affairs, the Institute for Women's Issues is implementing a programme on prevention of pregnancy, sexually transmitted diseases and HIV/AIDS in young women. The aim is to train professionals to work with young women and teach them to observe healthy habits and safe sex.

During the last three years, the cooperation agreement with the Ministry of Health and Consumer Affairs made it possible to provide psychological and social intervention to improve the quality of life of women with breast cancer. This programme helps women deal with their diagnosis and the new situation created by the disease and helps them have a positive self-image. The programme is implemented by health care personnel in different hospitals, where workshops are held and follow-up and individual attention is provided to women facing the crisis.

In 2002, a handbook entitled Apoyo emocional y calidad de vida en mujeres con cáncer de mama was published for professional staff of the specialized care services, with a view to improving the services available to women with breast cancer.

In 2001 and 2002, activities were carried out in collaboration with the World Health Organization (WHO) European Regional Office, the Ministry of Health and Consumer Affairs and the Institute for Women's Issues, with a view to adopting the European policies on gender mainstreaming in health care, learn from the experiences of different countries and work towards consensus on these issues. In

2002, the document entitled "Mainstreaming gender equity in health: The need to move forward: Madrid Statement" was published.

In the context of the framework agreement between the Institute for Women's Issues and the Carlos III Health Institute, the work of those responsible for the women's programmes in the health services of the autonomous communities is being coordinated with a view to mainstreaming the gender approach in women's health programmes in the autonomous communities, with special emphasis on health issues and good practices. The State has also promoted and consolidated the network of doctors and health-care workers. The network is made up of professionals who are working to include women's health issues in the design of programmes and research studies.

A training course for public health-care workers is being carried out in collaboration with the health advisory councils and agencies responsible for promoting equality. The goal is to raise awareness and provide training to professionals working in primary and specialized health care on women's health in specific areas of concern, such as those affecting teenagers, women in menopause and immigrant women, and women suffering from eating disorders.

The programme on prevention of pregnancy, sexually transmitted diseases and HIV/AIDS has carried out activities involving the development of sex education materials for young women with a view to promoting healthy habits and safe sex.

The Institute for Women's Issues has published the following training materials for health care workers on different aspects of women's health: Manual sobre cáncer de mama, Manual sobre autoestima , El estrés de las mujeres trabajadoras: sus causas y sus consecuencias. It has also published the following titles as part of the Guías de Salud (Health Guides) collection: Anticonceptivos y sexualidad, Paternidad/Maternidad, El embarazo, El parto, Las Enfermedades de Transmisión Sexual, Mujer y Drogas, and has issued the magazine Entre Nous, a publication of the WHO European Regional Office.

Finally, it is worth mentioning the grants provided by the Institute for Women's Affairs to contribute to activities relating to information and prevention services to improve women's health.

During the period 1998-2001, the following amounts were granted:

1998	*1999*	*2000*	*2001*	*1998-2001 %*
59,800.70	127,715.07	95,861.43	128,617	115.08

Amounts in euros.

Article 13. Social and economic benefits

Aside from the annual reductions in employer contributions to Social Security to encourage the hiring of women (see the section on article 11), and the economic and technical measures taken for the same purpose by the State and the autonomous communities, the most significant developments in this sphere were the adoption by the Council of Ministers, in November 2001, of the first comprehensive family support plan 2001-2004, and the national action plan on social inclusion for 2001-2003 (see the annex on social exclusion).

Under the comprehensive family support plan, the State is responsible for supporting Spanish families by implementing policies designed to enhance their stability, quality of life, independence and well-being, in order to eliminate, insofar as possible, the obstacles and difficulties that directly affect them.

The plan envisages measures for enabling family members to reconcile their jobs and their home life, to improve the quality of family life and to ensure demographic or generational continuity. The plan is organized according to four major objectives:

1. To improve the quality of life of families;
2. To promote intergenerational solidarity;
3. To support the family as a guarantor of social cohesiveness;
4. To provide support for families in situations of social risk and other special situations.

These objectives are to be achieved through 10 strategic lines, as follows:

1. Fiscal and income policies
2. Improvement of Social Security benefits for dependants
3. Reconciliation of family life and work
4. Housing policy
5. Promoting families' access to new technologies
6. Revision of family law
7. Establishment of family orientation and/or mediation services
8. Support for families
9. Promoting participation in society and families' access to cultural activities
10. New law to protect large families

The plan takes into account the fact that caregivers for dependent persons, including older persons, minors and handicapped persons, are usually women. Consequently, the new individual income tax regulations include the following provisions for women with children under 3:

- A tax credit of 1,200 euros for care of a child under three years old.
- The significant innovation is that working mothers receive a new tax credit of 1,200 euros for each child under 3. This deduction may be received as an advance payment.

Despite the trend towards smaller families, 13 per cent of Spanish families have three or more children, or two children, one of them with a disability. These families are considered large under Act 8/1998, of 14 April, which provides special support to ease the financial burden borne by large families.

The law also takes into account the situation of single-parent families, i.e., those in which only one parent (usually the mother) is responsible for supporting dependant members (in cases of widowhood, separation or divorce, or unwed

mothers). There has been an increase in this type of family over the last few years, particularly as cases if separation or divorce have increased. Some studies estimate that over 8 per cent of households with children under 18 years old are headed by a single parent (single father or mother living with minor children). These families need additional support, given the difficulties encountered by the heads of household in trying to reconcile their jobs and their family life, and the fact that they are at greater risk of being excluded from participation in society.

Article 14. Rural women

I. Current situation

According to data supplied by FAOSTAT, the statistical database of the Food and Agriculture Organization of the United Nations, the agricultural population of Spain is 8.1 per cent of the total population. This figure is higher than the median for the European Union (5.83 per cent).

		Active population	
Total population	*Agricultural population*[1]	*Total*	*In agriculture*[2]
39.628	3.280	17.227	1.397

(Thousands of persons).

[1] The agricultural population includes all persons who depend on agriculture for a living.

[2] Includes crop farming, stock raising, forestry, hunting and fisheries.

According to data from the National Statistical Institute, and as shown in the following table, which includes crop farming, stock raising, forestry and fisheries, there were considerable differences between the sexes in the percentage distribution of the active agricultural population in 1998, 1999 and 2000. Despite the advances made by women, they still did not represent 30 per cent of the population by 2000.

Percentage distribution of the agricultural population

		Sex	
Year	*Total*	*Men*	*Women*
1998	100	71.8	28.2
1999	100	71.0	29.0
2000	100	69.5	30.5

[1] Includes crop farming, stock raising, forestry and fisheries.

Source: National Statistical Institute.

The data on the employed agricultural population, classified by sex, show fewer differences. It would appear that these differences have declined, given that in 1999, the percentage of women employed in the primary agricultural sector amounted to 36.4 per cent, while in 2000, it stood at 37.2 per cent.

Employed active population, classified by sex

	Thousands of persons			*Percentage distribution*	
	Primary sector[1]			*Primary sector*[1]	
Variables	*Men*	*Women*	*Total*	*Men*	*Women*
1999	769,1	262,8	**1031,9**	74,53	25,47
2001	709,1	253,1	**962,2**	73,7	26,30

[1] Includes crop farming, stock raising, forestry and fisheries.

Source: National Statistical Institute

A breakdown of the fisheries sector, however, shows that men are still predominant in this sector, with women accounting for only 8.8 per cent of the population in 2002.

Women employed in (a) crop farming, stock raising, hunting and forestry; and in (b) fisheries

Year	*A*	*B*
2000	273.2	9.6
2001	301.1	9.4
2002	271.9	8.8

The data, in thousands of persons, refer to the first quarter.

[1] The results are estimates obtained by using elevation factors following the EPA-2002 methodology. From the first quarter 2001 onwards, there is a jump in the series for unemployed, active and inactive, owing to a change in the definition of unemployment.

Source: Boletín Mensual de Estadística.

II. Policies and programmes

Rural development is a key element of the new agricultural policy adopted in the context of the Community's Agenda 2000. The policy focuses on sustainable development, protection of the environment, job creation and equal opportunities for women and men. According to a report by the Ministry of Agriculture, Fisheries and Food (Hechos y cifras del sector agroalimentario y del medio rural español (sixth revised edition, expanded and updated), Madrid 2000), the share of women in these rural development processes increased significantly during the period 1996-2000.

When the NOW Community Initiative was concluded, the new Equal Initiative was put underway. In the context of transnational cooperation, new methods will be developed for combating discrimination and inequity in all aspects of labour relations. For the period 2000-2006, the Leader Plus Initiative lays down a number of important issues to be addressed in rural development efforts: new information technologies, improvement of the quality of life in rural areas, better prices for local products and the development of natural and cultural resources, strengthening the role of civil society, especially as regards women and young people.

In this context, the Ministry of Labour and Social Affairs has been working through the Institute for Women's Issues and the Ministry of Agriculture, Fisheries and Food, to strengthen the fundamental role of women in rural development.

The Ministry of Agriculture, Fisheries and Food regularly provides subsidies, scholarships and grants for rural development, strengthening of associations, cooperatives and other groups, including grants to promote gender mainstreaming in rural development activities in the Autonomous Community of Andalusia and the integration of women in the rural areas of the Autonomous Community of Valencia.

Under Royal Decree 613/2001, of 8 June, on grants provided by the European Agricultural Guidance and Guarantee Fund (EAGGF), grants are increased by 10 per cent for young women to enable them to become owners of farm land.

Training programmes are foundational to the development of agrarian cooperatives and the improvement of professional skills of persons involved in organizing agrarian cooperative societies. Over the last three years, a total of 12,374 women, or 22.48 per cent of the total, have participated in these training programme.

During 2001, a number of activities relating to administration, production and marketing were carried out. A total of 1,714,687.53 euros were granted for 641 courses, which were attended by 19,528 participants.

Eighty-eight per cent of these courses dealt with management and were aimed at improving the professional skills of advisors and managers in connection with the technical aspects of automation and marketing. The remaining 12 per cent of the courses dealt with social aspects, human resources, group dynamics and organization.

Of the 19,528 participants, 79 per cent were men and 21 per cent were women.

The third Plan on Equal Opportunities for Women and Men 1997-2000 includes a specific area on rural women. The idea is to make the contribution of rural women to the economy more visible and enable them to enter the labour market without leaving their own environment.

In 2000, during the present reporting period, work was completed under the project "Gea Network: entrepreneurial initiatives among rural women", carried out by the Institute for Women's Issues in collaboration with the public agencies responsible for equal-opportunities policies of the autonomous communities and the National Federation of Rural Women. The project was designed to help mitigate the serious problems prevailing in the rural environment, including rural women's lack of skills; the lack of diversification and of tertiarization of economic activities; the weakness and lack of competitiveness of existing entrepreneurial-productive systems; obstacles to access to and participation in the information society; and the serious loss of population in rural areas.

This project is part of a transnational project and is being implemented in the context of NOW, the Community's employment and human resources initiative.

The following activities have been carried out:

- Creation and operation of an interregional mutual support network of the technical personnel of the 11 participating entities. This programme, which is coordinated by the Institute for Women's Affairs, has made it possible to generate and improve a number of resources and technical tools for women.

- Dissemination of the programme: a logo was designed for the Gea Network which appears on posters, pamphlets and brochures. A total of 1,000 posters, 10,000 pamphlets and 10,000 brochures were designed and distributed.
- Training. Bearing in mind the problems faced by rural women, an innovative training programme was implemented, taking advantage of new technologies. An interactive CD-ROM was prepared, as well as a manual for distance learning to enable women to manage their own businesses.
- In implementing this plan, the Institute for Women's Issues conducted two 56-hour train-the-trainer modules for 43 professional staff members of participating entities, who then provided tutoring, assistance and follow-up to the women participating in the programme.
- Technical assistance for individuals and groups in connection with the establishment and management of enterprises in different sectors in the rural environment.
- Internet-based information systems to facilitate cooperation between women's enterprises, exchange of information, creation of a network for distribution of products or services, development of a Web page and the offering of prizes to support innovative women's entrepreneurial initiatives in rural areas.

The project evaluation report for 2001 shows the following statistics:

Programmes	*Participants*
Training of technical team	147
Pre-training	1,031
Distance learning – business plan	790
Technical assistance	312
Businesses created	194
Businesses at advanced stage of development	47

In support of the Gea Network, during 2000 and 2001, the Institute for Women's Affairs issued 5,000 copies, on CD-ROMs, of three course monographs, entitled "Cómo gestionar la problemática de compras y almacén" (How to manage purchasing and storage problems), "Cómo aplicar la informática a tu negocio" (How to use information technology in your business) and "Cómo conocer y fidelizar tu clientela" (How to know your clients and build a faithful client base).

The total cost of the project was 7,691,152 euros; this amount includes the holding of fairs at which women showed samples of their work and of the European Congress of Rural Women. These events were carried out simultaneously at the Palacio de Congresos in Madrid, on 16 and 17 December 1999.

The issues discussed at the Congress included those relating to the contribution of rural women to the economy and their role in society over the last 50 years. The round table discussions and lectures addressed subjects such as the local development factor, education, vocational training and employment, new sources of employment, rural women entrepreneurs, marketing of products and services and, finally, participation and decision making in rural society.

The Institute for Women's Issues compiled the proceedings of the Congress in a publication entitled Mujeres rurales: Ponencias e intervenciones en mesas redondas del Congreso Europeo de mujeres rurales (Madrid, 16-17 December 1999).

Work has continued on support for rural women's associations, with a view to enabling them to play a more active role in society and gain access to decision-making positions in organizations in the economic and professional spheres and in trade unions. This support is mainly economic in nature but technical assistance is also provided. It is channelled through two types of grants: those provided under the general regime of the Institute for Women's Issues, in order to promote women's associations, and those provided from a fund created with 0.52 per cent of the individual income tax (IRPF) by the Ministry of Labour and Social Affairs.

Since 1999, the following subsidies have been granted to NGOs and associations for the purpose of carrying out programmes targeting rural women:

	IRPF-women's programmes		*General regime*		*Total*	
Year	*No of programmes*	*Amount (euros)*	*No of programmes*	*Amount (euros)*	*No of programmes*	*Amount (euros)*
1999	13	780,459.14	8	99,167.00	21	879,626.14
2000	13	852,009.78	12	93,757.89	25	945,767.67
2001	12	770,843.10	7	109,985.22	19	880,828.32
	38	**2,403,312.02**	**27**	**302,910.11**	**65**	**2,706,222.13**

IRPF-Women's Programmes: Programmes targeting the rural and maritime-fisheries sectors.

Subsidized programmes focus on activities which, although still diverse, have recently undergone changes which, according to the third Plan on Equal Opportunities for Women and Men, are related to their objectives. While they were originally designed to promote hobbies (crafts, workshops), they now emphasize occupational training.

Also worthy of note is the exhibition presented in 1999 during the Congress on Women and Rural Society: between inertia and breaking away. This travelling exhibition reflects the different social, professional and occupational situations of rural women, taking into account the tremendous diversity that exists in a country such as Spain, with its many autonomous regions. It shows aspects of continuity that make it difficult for women to have equal opportunities, but also presents aspects where innovation and breaking with the past will contribute to achieving equality. Against a critical backdrop, it displays the different occupations of rural women in agriculture, fisheries and rural society in general, explaining the processes whereby they participate in professional and social associations, how they become integrated into civil society and their increasingly important role in building the rural society of the future.

The exhibition also provides supplementary materials, including an informational pamphlet, a promotional poster and a video presentation. In addition, a book was published under the title of the exhibit, which in addition to serving as the catalogue for the exhibit, includes several articles written by specialists in this field.

In May 2002, the Ministry of Agriculture, Fisheries and Food and the Institute for Women's Issues signed a cooperation agreement on the organization of the third

World Congress of Rural Women, held in Madrid in October 2002, continuing the work of the previous conferences, held in Melbourne (Australia) in 1994 and in Washington, D.C. (United States) in 1998.

The third World Congress, which was attended by 1,500 rural women from different continents, discussed a number of issues pertaining to the status of rural women in the world, including those of sustainable development, gender issues and food security, the impact of new technologies, empowerment and decision making, public policies in support of rural women. The purpose of the Congress, which was partly funded by the European Social Fund, was to encourage debate and reflection with a view to discovering new alternatives and exchanging experiences, bearing in mind the important role of rural women in new rural development processes.

Two exhibitions were presented during the Congress: "Women and Rural Society: between inertia and breaking away", which was updated in 2002, and "Women in the Global Village", developed in 2001-2002. The latter exhibit includes a collection of photographs from every continent showing the problems faced by rural women throughout the world.

Agriculture-sector activities carried out during the Spanish Presidency of the European Union

To introduce gender mainstreaming in the European Union's Council on Agriculture during the Spanish Presidency, a report was prepared on the impact of gender on rural development policies, in which women have a special role to play. The report describes the contribution that women have made to rural development and focuses on two aspects: firstly, the European Union's priority objective of ensuring equal opportunities for women and men in rural areas, and secondly, the new European model for rural development, in which women play a vital role.

The report stresses that Community policies should continue strengthening the organizational capabilities of women in rural areas, encouraging and supporting organizations of women entrepreneurs, NGOs, cooperatives and other types of associations and groupings of rural women.

The document also points out that, in order to improve participation, it would be advisable to prepare statistics broken down by sex so as to develop a picture of the situation in rural areas of Europe. The statistics could provide guidance on future policies on rural issues in the European Union and help ensure equal opportunities for women and men in the rural environment.

Along with this report, at its meeting of 27 and 28 May 2002, the Council on Agriculture adopted a number of conclusions and proposals for solving the problems arising in this field, including the following:

- In their rural development policies, Governments should recognize the role of women in improving living standards, ensuring employment and basic services and promoting rural society.
- States should be encouraged to carry out a systematic analysis of development policies, legislation, strategies and projects before they are adopted, in order to ensure that they do not discriminate against women and that they help promote gender equality.

- Statistics should be disaggregated by gender so as to paint a true picture of the European rural environment and provide guidance for policy making in this sector

- Policies should be adopted to reinforce the economic capacity of women entrepreneurs in rural areas and to encourage organizations of women entrepreneurs, non-governmental organizations, cooperatives and other types of associations concerned with agriculture and food production, and to facilitate the creation of networks of rural women

III. Women and the environment

The main objective of the third Plan on Equal Opportunities for Women and Men in regard to the environment is to encourage women to participate actively in environmental programmes. Accordingly, the activities to be carried out in this area are designed to help women take the initiative in promoting an environmental ethic geared towards fostering the rational use of resources and sensible consumer habits, utilizing technologies and production methods that are respectful of nature.

In order to ensure that women participate actively in environmental programmes, the following actions will be taken in the context of the third Plan on Equal Opportunities:

- Conduct informational campaigns to create awareness among women, as consumers, of the impact that products, technologies and industries have on health and the environment;

- Encourage women to participate in efforts to restore the environment, both urban and rural, and promote the use of good practices;

- Carry out training courses on new technologies that have an effect on the environment;

- Offer technical assistance in connection with women's business initiatives, in order to promote the use of technologies and production methods that are respectful of the environment;

- Sensitize women to the need to reconcile the environment and sustainable development;

- Encourage women to participate in ecological tourism activities, through self-employment, cooperatives or the creation of family businesses.

Among other activities, it is worth mentioning the courses on environmental management, which were aimed at improving women's chances of getting a job by enabling them to obtain high school or college degrees. These courses were organized by the Institute for Women's Affairs, in collaboration with the agencies responsible for equality issues in the autonomous communities.

The Ministry of Science and Technology carried out a programme on "recovering the environment". This entailed conducting an employment workshop designed to empower women by improving their chances of entering the labour market.

Funding has been provided for the following programmes:

- Participation of women in creating awareness of the need to reconcile the environment and sustainable development, carried out by the Association of Families and Women in Rural Areas, for 116 women;

- Environmental education and sustainable tourism. Programme on awareness-building and harmonizing the environment and sustainable development, carried out by Cooperación Internacional for 20 young women;

- Feminism and ecology. Programme designed to raise the awareness of women regarding the need to protect the environment and to analyze ecofeminist policies;

- International symposium on feminism and ecology.

On 10 May 1999, the Ministry of Environmental Affairs and the Ministry of Labour and Social Affairs signed a cooperation agreement providing for activities aimed at promoting equal opportunities for women and men in the environmental sector. The framework agreement is intended to make it possible to:

- Raise awareness about women's contributions to environmental programmes;

- Train women in professions and trades pertaining to the environmental sector;

- Conduct studies and statistical analysis to throw light on the situation of women in environment-related social settings and employment;

- Exchange information and technical advice between the Ministry of Environmental Affairs and the Institute for Women's Issues, when decisions are taken to undertake action to promote equality of opportunities;

- Collaborate on the publication of informational materials;

- Promote equal opportunities in environmental policy.

The principle of equal opportunities in the environmental labour market is implemented as a cross-cutting strategy underlying all activities carried out in collaboration with the European Social Fund in the context of the operating programme of the Ministry of Environmental Affairs, also referred to as the Entrepreneurial Initiative and Continuing Education, for the period 2000-2005.

Order 1089/2002, of 26 April, regulating the granting by the National Parks Agency of assistance for courses and activities relating to environmental education, establishes gender as one of the criteria for eligibility.

Among the criteria applied in determining eligibility for grants under the environmental education programme for 2002, operated by the National Parks Agency and the Biodiversity Foundation, women applicants are given two additional points.

In the context of the framework cooperation agreement between the Ministry of Economic Affairs and Finance and the Ministry of Environmental Affairs, providing for a sustainable tourism programme, the Biodiversity Foundation signed a cooperation agreement with the Secretariat of State for Commerce, Tourism and SMEs, under which it will carry out a project on Women and the Environment: New Sources of Employment.

The objective of the agreement is to implement programmes for helping women who have difficulty entering the labour market to find jobs in the tourism

sector in areas considered nature preserves, independently of whether or not they have been legally designated as such. The intention is to find new sources of employment for women in their own areas of influence when there are very few job opportunities for women.

During the first half of 2002, the Spanish Presidency of the European Union decided to follow the policy of equal opportunities between women and men in the work of the European Union Environment Council.

One of the activities carried out under the gender mainstreaming policy was a seminar on environmental policies and women, which was held in Valsain (Segovia) on 13 February 2002.

This seminar was attended by representatives of member States of the European Union who work in this area. The discussions centred on the issues outlined in a document prepared by the Presidency, including the following:

- The need to conduct more in-depth research on the environment and gender, giving priority to efforts to identify stakeholders, obstacles and resistance to change, with a view to pinpointing the potentially undesirable impact of measures taken and providing opportunities for improvement in the situation of the persons concerned.

- The need to propose specific measures and actions to implement gender mainstreaming in environmental policies, by encouraging women's participation, enhancing communication and coordination between the agencies and institutions concerned, and developing evaluation tools that will make it possible to understand the different implications of any measures that may be adopted.

- The need to set up training programmes to facilitate equality between women and men. These programmes would involve providing special training for women in order to expand their opportunities in society. Environmental education plans need to be reviewed so as to include the gender approach, both in the content of courses and in the setting in which they are offered.

The main proposals and output of the seminar were published by the Ministry of Environmental Affairs. This document stresses the need for gender mainstreaming in environmental activities, including through programmes, tools and methodologies, the establishment of an ad hoc working group and the creation of networks of professional women. Emphasis was also placed on the need to collect data and indicators disaggregated by sex and to promote training for women to improve their skills, bearing in mind that the environmental sector is a major source of employment.

This document was presented to the European Union Environment Council on 4 December 2002.

Part IV

Articles 15 and 16. Equality under civil law

Significant changes have been made in civil law, one of which is Act 1/2000, of 7 January, on civil procedures, which makes changes in procedures followed in civil lawsuits.

The single provision of this Act derogates several articles of the Civil Code, as well as additional clauses 1 to 9, which refer to the procedures in regard to annulment, separation and divorce set forth in Act 30/1981, of 7 July, amending the marriage regulations of the Civil Code and establishing the procedures to be followed in cases of annulment, separation and divorce.

A number of articles relating to general provisions on actions and claims regarding filiation have been abrogated. The regulations applying to such cases are now set down in the Civil Procedures Act, Volume IV, Title I, Chapter III on proceedings regarding filiation, paternity and maternity, thus avoiding a scattering of procedural rules.

All procedural rules concerning annulment, separation and divorce are contained in the Civil Procedures Act, Volume IV, Title I, Chapter IV, on procedures regarding marriage and minor children.

These new regulations maintain the previous system. It should be noted that no appeal may be made against a decision on temporary measures, regardless of whether they are requested before the complaint or in the body of the complaint. Decisions confirming or modifying such measures may not be appealed either.

In addition, no appeal may be brought against precautionary measures ordered in proceedings relating to guardianship and custody or child support.

The provisions regarding separation and divorce by mutual agreement remain practically the same. A single procedure is laid down for processing separation, divorce and annulment of marriage. That was already the case for separation and divorce, but not for annulment, the procedures for which depended on the grounds for the claim.

Provision is made for drawing up separate inventories of goods belonging to the spouses parallel to separation, annulment or divorce proceedings.

The law establishes the principle of validity and enforceability of the most recent decision in a case, hence, it allows for the decision to be enforced on an interim basis and for appeals to be brought against just one part of a decision.

Finally, an important change is made in the procedures for recognizing decisions under church law. In such cases, no opposition, even when grounds are stated, shall in and of itself nullify the validity of civil law, and either party may request an injunction.

Act 4/2000, of 7 January, amending the provisions for declaring the death of persons who have disappeared owing to a shipwreck or disaster, shortens the time periods for requesting a declaration of death. This Act amends articles 193.3, 194.2 and 194.3 of the Civil Code.

Accordingly, a death certificate may be issued after one year has elapsed since the date of the imminent peril of death owing to violence against life, and after three months when there has been a disaster. The previous regulation established a time period of two years in both cases.

Likewise, provision is now made for death certificates to be issued after three months have elapsed in cases of shipwreck or disappearance, and after six months from the date on which news was last received, in cases when a ship does not reach its destination. The previous time periods in these cases were two and three years, respectively.

The time period for issuing death certificates shall be three months in cases of airplane crashes and six months when there is a presumption of disaster owing to the absence of news of the journey, when the travel in question has involved crossing seas, deserts or uninhabited areas. The time periods established in such cases had previously been two and three years, respectively.

Two important innovations are included in the Order of 10 November 1999, concerning the questionnaire to be filled out for declaring birth at the Civil Registry. Firstly, the form implements the doctrine established in a decision of the Supreme Court (First Chamber) of 21 September 1999, which declared that a regulation allowing the mother, strictly on her own decision, to conceal her maternity was unconstitutional, given that it violates the fundamental right of the child to know his/her biological identity. Secondly, two blank spaces are added for the fingerprints of the mother and of the newborn child, in order to definitively establish the child's biological identity.

Act 40/1999, of 5 November, on given names and surnames and the order in which they appear, amends article 109 of the Civil Code and article 55 of the Civil Registry Act.

Accordingly, when filiation is determined by both the maternal and the paternal lines, the father and mother may decide by mutual agreement on the order in which the surnames of their children shall be transmitted. This law also provides that the order in which the surnames are registered for the oldest child shall apply to the children born subsequently of the same union. When a child reaches adulthood, he or she may request a change in the order of surnames.

Under the previous regulations, the children took their father's first surname first and the mother's first surname second, although they were also allowed to change the order of surnames once they had reached adulthood.

Royal Decree 193/2000, of 11 February, amending certain articles of the Civil Registry regulations relating to given names and surnames and the order in which they appear brings these regulations in line with Act 40/1999.

During this reporting period, the autonomous communities of Aragon, Asturias, Balearic Islands, Catalonia, Madrid, Navarra and Valencia have adopted laws granting certain rights to de facto unions, both heterosexual and homosexual.

Exclusion

I. Current situation

A. Data on areas of exclusion and groups affected

Social exclusion is multidimensional in nature, both in its origin and in its manifestation in society. A number of different problems cause exclusion: poverty as it refers to economic income, difficulty entering the labour force and gaining access to education, lack of decent housing, lack of health care, psychological and physical capacity, absence of or insufficient family and community support, problems gaining access to new technologies, and lack of awareness and failure of society in general to address the problem of social exclusion.

The lack of family support, which is common in dysfunctional families, problems of domestic violence or family breakdown, is often an aggravating factor in social exclusion.

Data from the European Community Households Panel (ECHP), published in 1996, show economic poverty in Spain at 18.5 per cent, a level that is close to the median for Europe (17 per cent).

It should be borne in mind that a cross-cutting factor in the phenomena of poverty and social exclusion is the fact that women are affected to a greater degree than men (feminization of poverty). In Spain, unemployment is twice as high among women as among men; women's wages are lower and extreme poverty is more prevalent among women, especially those who earn minimum wages. Women who are over 65 and live alone and single women with dependent children, i.e., single-parent families, are also more likely to be poor.

Poverty Rates by Gender and Age
(Index: 100: average % of poor in the population as a whole)

Situation by sex	*No indices*
Men	99
Women	100
Situation by age	
Under 18	128
18-24	117
25-34	84
35-44	92
45-54	95
55-65	95
Over 65	80

Source: Income, Poverty and Social Exclusion. Eurostat, 2000 (with data from the Spanish Household Panel Survey, 1995).

Long-term unemployed workers

Since 1996, there has been a significant decline in the number of persons who have been unemployed for at least a year. In 1996, 1,904,100 persons were in that situation, while in 2000, the number had dropped to 1,038,200, i.e., by 45 per cent.

The reduction was lower among women (37.85 per cent) than among men (55.36 per cent).

Most of the reduction in long-term unemployment occurred in the 20-29 age group. In 2000, the percentage of women climbed in all age group up to the 35-39 year-old group; from that age to that of the 55-59 year-old, it declined.

	1996				*1998*				*2000*			
	Both sexes	*Women*	*Men*	*% Women*	*Both sexes*	*Women*	*Men*	*% Women*	*Both sexes*	*Women*	*Men*	*% Women*
Total	**1,904.1**	**1,074.8**	**829.3**	**56.45**	**1,539.9**	**948.4**	**591.5**	**61.6**	**1,038.2**	**668.0**	**370.2**	**64.34**
16 to 19	115.6	68.6	47.0	59.34	82	45.6	36.4	55.6	50.9	27.2	23.7	53.44
20 to 24	391.4	229.0	162.4	58.51	269.3	172.2	97.1	63.9	171.4	111.0	60.4	64.76
25 to 29	366.1	223.0	143.1	60.91	299.9	188.2	111.7	62.8	184.2	118.2	66.0	64.17
30 to 34	263.5	152.1	111.4	57.72	223.3	140.7	82.6	63	140.3	101.6	38.7	72.42
35 to 39	217.1	139.0	78.1	64.03	288.2	231.9	56.3	80.5	124.7	92.6	32.1	74.26
40 to 44	173.7	105.3	68.4	60.62	144.7	101.3	43.4	70	108.1	76.2	31.9	70.49
45 to 49	136.6	75.8	60.8	55.49	122.5	81.7	40.8	66.7	90.9	62.3	28.6	68.54
50 to 54	116.0	43.6	72.4	37.59	102.7	50.4	52.3	49.1	72.9	42.6	30.3	58.44
55 to 59	90.4	28.1	62.3	31.08	81.5	27.2	54.3	33.4	69.0	25.6	43.4	37.10
60 to 64	32.5	9.7	22.8	29.85	25.7	9.2	16.5	35.8	24.7	9.7	15.0	39.27
65 to 69	1.2	0.6	0.6	50.00	0.2	0.2	0	100	0.9	0.8	0.1	88.89

Source: Calculations based on data from Encuesta de Población Activa, IV quarter, National Statistical Institute.

Ethnic minorities

In Spain, the term "ethnic minorities" refers, in particular, to the gypsy population. The gypsy population has traditionally been marginalized from Spanish society, although over the last few decades, there has been a notable change in their status and the way has been opened for them to be effectively incorporated into society.

Despite the advances that have been made, however, part of the gypsy community still have very low incomes and live under conditions of persistent poverty, inequality and social exclusion.

Any attempt to quantify the gypsy population must take into account the fact that data on membership of this ethnic group are protected by the Constitution. As a result, these variables are not reflected in official statistics on population, employment, education, family status or social safety nets.

Another large group that has experienced great difficulty becoming integrated into society is that of the immigrants. This group is discussed in more detail at the end of this chapter.

Persons with disabilities

The group of persons who have some type of disability must face not only their own handicap, but also the physical obstacles in their surroundings and the stereotypes with which society brands them. As a result, they are very likely to be excluded, especially when they are women.

According to data obtained from a large-scale survey on disabilities, handicaps and health that was conducted in 1999 by the National Statistical Institute and the Ministry of Labour and Social Affairs, a total of 3,528,221 persons have some type of disability. In percentage terms, this translates into 9 out of every 100 people in Spain.

The data show that women account for more than half (58.3 per cent) of all persons with disabilities. This figure varies, however, according to age groups. In the under-6 cohort, there are no significant differences between the sexes. In the group of persons aged 6 to 44 years, however, more men than women are handicapped, the average being 32 per cent. The trend changes significantly after age 45. The line becomes even sharper for the over-65 age group, in which almost twice as many women as men (in absolute terms) have disabilities.

Persons with disabilities, by sex and by age group

Age group	*Absolute figures*	*Percentage of total*	*Men absolute*	*Women absolute*
Under 6	49,577	1.41	24,723	24,853
6-15	68,284	1.94	36,060	32,224
16-44	519,495	14.72	298,726	220,769
45-64	818,213	23.19	379,652	438,561
65 and over	2,072,652	58.74	733,809	1,333,843
Total	**3,528,221**	**100**	**1,472,970**	**2,055,251**

Source: National Statistical Institute, Encuesta sobre Discapacidades, Deficiencias y Estado de Salud. Avance de resultados. Datos.

Persons with disabilities, by sex and by age group
Rate per 1,000 inhabitants

Age group	*Men*	*Women*
Under 6	21.71	23.21
6-15	16.72	15.83
16-44	33.32	25.26
45-64	89.10	98.67
65 and over	246.93	322.51
Total	**76.60**	**102.67**

Persons over 65

The available data on persons over 65 years old show that during the 1990s, over one million persons aged 65 and over were living alone. This represents 16 per cent of the total population in that age group.

It should be noted, however, that of the total populated of women aged 65 and over, 22 per cent live alone, compared with men in that group, only 7 per cent of whom live alone. Indeed, as may be seen in the next table, four of every five older persons living alone are women.

The findings of the Survey on Disabilities, Handicaps and Health (EDDS) show that in 40 per cent of all cases of persons aged 80 and over who live with family members, the primary caregivers are their daughters. Only 6 per cent of older people are cared for by their sons.

Persons aged 65 and over who live alone

	1990	*1995*	*1996*	*1997*	*1999*[1]
Total	**819,900**	**1,033,300**	**1,002,400**	**1,026,400**	**1,057,700**
Men	136,800	193,400	186,100	206,000	212,200
Women	683,100	839,900	816,200	820,300	845,500
	Percentage of the population aged 65 and over				
Total	**14.5%**	**16.2%**	**15.8%**	**15.8%**	-
Men	5.9%	7.2%	6.9%	7.4%	-
Women	20.6%	22.8%	22.4%	22.1%	-

Source: Las personas mayores en España. Informe 2000. Ministry of Labour and Social Affairs, and [1] author's calculations.

Single-parent families

In the category of single-parent families, 87.76 per cent were headed by women in 2000 (88.23 per cent in 1996), while 12.24 per cent were headed by men in 2000 (13.77 per cent in 1996).

Between 1996 and 2000, the number of single-parent families headed by an employed woman has increased considerably. AT the same time, the number of such families headed by an unemployed or inactive woman has notably declined.

In the case of men, there has been a decline in terms of their employment situations.

Single-parent families, by employment situation of the head of household (in thousands)

	1996						*2000*					
	Both sexes		*Women*		*Men*		*Both sexes*		*Women*		*Men*	
	Absolute	*%Women*	*Absolute*	*%*	*Absolute*	*%*	*Absolute*	*%Women*	*Absolute*	*%*	*Absolute*	*%*
Total	**287.6**	**86.2**	**248.1**	**100.00**	**39.5**	**100.00**	**265.5**	**87.76**	**233.1**	**100.00**	**32.4**	**100.00**
Active	208.0	84.6	175.9		32.1		210.9	87.20	183.9		27.0	
Employed	156.7	82.3	128.9	51.95	27.8	70.38	175.7	86.34	151.7	65.11	24.0	73.85
Unemployed	51.3	91.8	47.1	18.98	4.2	10.63	35.2	91.48	32.2	13.82	3.0	9.23
Inactive	79.6	90.6	72.1	29.07	7.5	18.99	54.6	90.11	49.2	21.12	5.4	16.62

Source: Calculations based on Encuesta de Población Activa, fourth quarter. National Statistical Institute.

Prison population

In absolute numbers, 4,055 women were in prison in 1996, in 2000, there were 2,742 women prisoners; this represents a decline of 32.38 per cent.

From 1996 onward, the percentage of women inmates within the total prison population has been decreasing, in 1996, women represented 9.34 per cent of the prison population; in 1998, 8.94 per cent; and in 1999, 8.44 per cent.

The highest percentage of female inmates are awaiting trial, these are followed by those who have been convicted. Among prisoners under a court order, 3.11 per cent are women.

	Total		*Preventive*		*Convicts*		*Under court order*		*Arrests weekend*	
	Both sexes	*% Women*	*Both sexes*	*% Women*	*Both sexes*	*% Women*	*Both sexes*	*% Women*	*Both sexes*	*% Women*
1996	43,409	9.34	9,917	9.91	33,182	9.21	310	4.84	-	-
1997	42,756	9.30	10,976	10.20	31,282	9.07	324	3.70	-	-
1998	44,370	8.94	10,790	9.40	32,931	8.87	363	3.31	286	6.64
1999	44,197	8.44	10,073	9.48	33,403	8.21	386	3.11	335	6.87

Source: Calculations based on data supplied by the General Directorate of Penitentiary Institutions, Ministry of the Interior.

Problems with learning new technologies

The explosion of new information and communication technologies is a global phenomenon that gives rise to new inequalities based on the different educational and cultural background of individual citizens.

Only 30 per cent of the Spanish population use computers, and only one out of every ten Spaniards has access to the Internet and has used it during the last month. These percentages have been rising by two or three percentage points a year, not enough to bridge the digital gap.

Internet users are a group that is made up mostly of men; women only represent 32 per cent of this group.

Nevertheless, although most Internet users are men, it should be noted that among beginners (those who have started using the Internet during the last three months), a much higher percentage are women (42 per cent) and persons under 25 (54 per cent).

Women, persons over 45, those who have little education, those who do not know languages and those living in rural areas are definitely the groups that are most likely to be at a disadvantage when it comes to dealing with the digital gap and the social inequalities created by the new technologies.

II. Changes in the legal order with respect to the situations described above

First of all, it should be noted that social services are regulated by the autonomous communities. Some State norms adopted during this period affect members of the groups mentioned in this chapter. The following laws have been adopted:

Act 55/1999, of 29 December, on fiscal, administrative and social measures, includes an important measure, i.e., authorization for the Government to regulate the special employment status of inmates who work in prison shops and their Social Security protection. The Act provides that employers are to be granted reductions in their Social Security contributions when they hire workers who have difficulty entering the job market or for special purposes to be determined. The Government is also authorized to regulate Social Security benefits for persons who have been ordered to perform community service.

Act 36/1999, of 18 October, on the granting of unemployment benefits and guarantees for integration into society and the labour market, provides that offenders who are drug addicts and whose sentences have been suspended on the condition they enter a detoxification programme may have their sentences definitively repealed by a court order. This Act is clearly intended to facilitate the social incorporation of drug addicts, as it provides for the granting of unemployment benefits provided the person has been imprisoned for more than six months.

The mere fact that a person receives unemployment benefits does not guarantee his or her re-entry into society. Specific action is needed in terms of employment policies that make it possible to meet the goal of recovery and social integration.

Royal Decree-Law 5/2002, of 24 May, on urgent measures to reform the system of unemployment benefits and enhance employability, improves the definition of what constitutes a satisfactory job, stipulating that it depends on the personal and professional circumstances of the worker and his or her ability to travel to the workplace.

The Act also establishes new provisions regarding returning emigrants, stipulating that the subsidy in question shall be reserved for those who have worked for at least one year in countries with which Spain has no agreement on this matter. It also provides that other workers may enter the Renta activa de inserción (minimum income) programme (see the section on Article 11).

In addition, it extends protection to groups that had previously been unprotected. To this end, it establishes a contribution-based unemployment benefit (prestación contributiva por desempleo) for temporary farm workers throughout Spanish territory. Finally, it regulates the Renta activa de inserción (minimum income) programme by providing that in 2002, it shall be extended to unemployed persons over 45 years old who have been unemployed for more than 12 months, even if they had not previously received benefits, or to anyone of any age who is handicapped, a returning emigrant or a victim of domestic violence.

III. Policies and programmes

In order to implement the different programmes and actions designed to combat social exclusion, the different ministerial departments, autonomous communities, associations, NGOs and a number of other institutions have set up a network to facilitate cooperating with each other, given the multidimensional nature of the factors involved in exclusion.

Social Inclusion Plan

The National Plan of Action for Social Inclusion of the Kingdom of Spain 2001-2003 was adopted on 25 May 2001. The Plan has four objectives, as follows:

- To promote access for all to employment and to other resources, rights, goods and services (housing, health, education, social services);
- To prevent situations that create a risk of exclusion,
- To act on behalf of those who are most vulnerable,
- To mobilize all agents.

The Plan has four cross-cutting components, namely:

- The family, as the fundamental basis of support situations of risk or social exclusion;
- The gender variable, considered a substantial element, given the prevalence of risk of exclusion among women;
- The new technologies, a key tool to gaining access to information and communication and extremely important for social inclusion;
- Coordination between state, regional and local authorities and civil society, with regard to policy implementation.

The plan to be carried out up to 2003 will have a budget of 25,242,508,384.1 euros. The work will be accomplished in innovative ways, with three-way coordination between the public administrations, the public sector and the private sector.

The autonomous communities and the Spanish Federation of Municipalities and Provinces will be responsible, for the duration of the plan, for carrying out activities designed to foster inclusion throughout the autonomous communities. Comprehensive municipal plans will also be implemented in a significant number of local jurisdictions.

Funding for the plan of action will be provided mainly from two sources:

European funds and initiatives, especially the European Social Fund, the Equal Initiative and the Urban Initiative, to be used primarily for objectives pertaining to social inclusion; and contributions from the Spanish public administrations.

Amounts budgeted, in millions[a]

	2000. Millions of:		*2001-2003. Millions of:*	
Objetive/Sphere of action	*Pesetas*	*Euros*	*Pesetas*	*Euros*
Objective 1.1:	159,247	957.09	482,008	2,896.93
Access to employment	159,247	957.09	482,008	2,896.93
Objective 1.2:	1,565,459	9,408.60	3,239,634	19,470.59
Guaranteed income	1,037,631	6,236.29	2,112,963	12,699.16
Social serv. Primary Care	91,219	548.24	200,189	1,203.16
Access to housing	74,334	446.76	153,477	922.41
Education	183,667	1,103.86	389,371	2,340.17
Health	178,608	1,073.46	383,634	2,305.69
Objective 2:	87,579	526.36	189,089	1,136.45
Support for family solidarity	85,479	513.74	184,634	1,109.67
Access to new technologies	2,100	12.62	4,455	26.78
Objective 3:	144,133	866.25	301,142	1,809.90
Older persons	29,662	178.27	62,475	375.48
Women	10,204	61.33	21,070	126.63
Young people	6,982	41.96	14,296	85.92
Children and families	31,504	189.34	66,817	401.58
Gypsy population	1,520	9.14	3,058	18.38
Disabled	29,292	176.05	61,495	369.59

Objetive/Sphere of action	*2000. Millions of:* *Pesetas*	*Euros*	*2001-2003. Millions of:* *Pesetas*	*Euros*
Homeless persons	1,161	6.98	2,335	14.03
Immigrants	33,287	200.06	68,611	412.36
Former prisoners	521	3.13	985	5.92
Objective 4:	8,640	51.93	18,352	110.30
Mobilization of agents	8,640	51.93	18,353	110.30
Total objetives/measures	**1,965,058**	**11,810.23**	**4,230,225**	**25,424.16**

[a] Calculations based on information supplied by public administrations and collaborating entities.

Aside from the fact that all the objectives include the cross-cutting goal of providing equal opportunities, objective 3, which targets the most vulnerable groups, includes programmes aimed at improving the situation of women in marginalized groups, who suffer double discrimination: at the general level, they suffer gender-related discrimination, on the one hand, and individually, they suffer discrimination based on their personal, social and cultural circumstances.

Basic benefits provided by local social services

This plan is implemented through agreements between the Ministry of Labour and Social Affairs and the autonomous communities and the autonomous cities of Ceuta and Melilla, except the Basque Country and Navarra, which operate under a special economic and fiscal arrangement. The plan guarantees citizens of both sexes the basic benefits provided by social services through the basic network of the public primary care system, which is operated and administered by the local governments.

In 1999, the General Directorate for Social Action, Children and Families, which helps finance the plan, provided funding for nine shelters for abused women and single mothers.

In this regard, it should be noted that the third Plan on Equal Opportunities for Women and Men has identified social exclusion as an area of special interest.

Action in this area will be primarily directed at combating the phenomenon of feminization of poverty and promoting programmes to enable women suffering exclusion to enter the labour market and play an active role in society.

In 1999, the Institute for Women's Issues began implementing the CLARA Programme within the framework of the Community Employment Initiative Integra and in collaboration with the autonomous community agencies responsible for equality issues and the National Employment Institute. This programme, which targets low-income women with little education who support their families, is carried out through integrated "itineraries" designed to promote social integration and insertion in the labour market, with a gender approach.

The programme provided scholarships and made arrangements for dependents of participants to be cared for during training. It also helped participants find a job or become self-employed.

Over 500 interviews were conducted with women in the target group; of these, 215 were selected to complete the full programme, which they did. Two months

before the programme ended, 34.5 per cent of the participants had found jobs and 3.2 per cent had set up their own businesses.

The programme cost approximately 1,021,720.58 euros. The European Social Fund provided 75 per cent of its funding.

The Community INTEGRA Initiative concluded in 2001. Since the Clara Programme methodology had proved satisfactory, it was incorporated into the operating programme against discrimination, carried out as part of the Community support framework, for the 2000-2006 period.

Accordingly, the Programme has now been extended to the following target groups:

- victims of gender violence,

- women with disabilities,

- women in prison.

The Institute for Women's Issues has invested 13,138.12 euros in this programme. The National Employment Institute has provided grants for the hiring of technical staff for the programme.

The total cost of the programme for the year 2002 is 398,852.57 euros.

The Institute for Women's Issues is also cooperating with the autonomous communities on the leisure time programme for women with dependent children. This programme is directed at women in difficult economic and social situations whose income is no higher than the national minimum wage; priority is given to women who are residing or have resided in shelters. The objectives are: to enable the women to become familiar with the social resources available to them through public services at the local level, to become acquainted with other women in similar situations and to offer them the opportunity to enjoy a holiday with their children.

Cooperation agreement with the Fundación Secretariado General Gitano

Since 1998, the Institute for Women's Affairs has cooperated with the Asociación Secretariado General Gitano (General Secretariat for Gypsies Association) in helping gypsy women find jobs and participate more actively in society.

Under the agreement, meetings on social participation and labour-market entry for gypsy women are organized. These meetings are geared towards men and women involved in associations, those involved with social initiatives for the advancement of gypsy women and professionals of public and private institutions working in this area.

Under the cooperation agreement on the Gypsy Development Programme between the Ministry of Labour and Social Affairs, the autonomous communities and local governments, grants have been provided for a number of comprehensive social intervention projects relating to the care, prevention of marginalization, and social participation of the gypsy people. Activities have been carried out simultaneously in the areas of education, social action, employment, health and others. Both the public sector and the non-governmental organizations have taken part in these activities.

Among others, the following activities have been carried out: social work, [illegible] and follow-up with schools, adult literacy, workshops on health issues, [illegible]on for and follow-up on lodging arrangements, and to a lesser extent, training courses and employment promotion, as well as teaching of basic social skills.

In 1999, partial financing was provided for 122 projects in 14 autonomous communities.

Under the Pueblo gitano (Gypsy People) programme funded by the individual income tax in 1999, grants were provided for 20 entities to carry out 130 programmes relating to the priorities on employment, social participation and women. In 2000, grants were provided to 20 entities for 150 programmes carried out in connection with these priorities.

Special priority was assigned to programmes aimed at promoting advancement and development of gypsy women by reducing illiteracy, providing access to different types of education, facilitating entry into the labour force and promoting health education.

B. Immigration

B. I. Current situation

During the 1990s, Spain began to address the phenomenon of growing immigration. Over the last few years, this has entailed implementing a new immigration policy designed to deal with the situation and channel the influx of immigrants in a positive direction.

In general terms, the foreign population of Spain is fairly balanced between the sexes. In 1999, there were 375,078 women and 508,772 men. As of 31 December 2000, there were 407,423 women and 477,155 men. By the end of December 2001, there were 494,843 women and 606,018 men.

In percentage terms: in 2000, 46.06 per cent of the foreign population in Spain were women; in December 2001, the share had fallen by a little over one point, to 44.95 per cent.

Although the differences were not significant in numeric terms, they were in terms of the place of origin of the immigrants.

In percentage terms, the figures were as follows: 42 per cent of women were from Europe; 31.27 per cent, from America; 19.79 per cent, from Africa, and 7.38 per cent from Asia.

The data on foreign students in Spain show that in 2000, 54.28 per cent were women and 45.72 per cent were men. Most of the 15,627 women students were from Latin America (10,785).

The differences were greater among workers: at the end of 1999, 34.75 per cent of all work permits had been issued to women, while 65.25 per cent had been issued to men. In 1999, a total of 42,063 work permits were issued to women; of these, 40,063 worked for an employer and 2,577 were self-employed.

In 2000, 157,780 foreign women were covered by Social Security. Ibero-American women were the largest group (37.18 per cent) and women workers from

the European Community were second, accounting for 34.19 per cent. Only 12.94 per cent of working women were from Africa. Madrid, Catalonia and Andalusia received the highest percentage of immigrant women workers.

In terms of age groups, in 2000, 31,464 women workers were between 30 and 40 years old, and 107,720 were between 20 and 39. This means that most were young women in reproductive age, with a long employment history.

As regards Social Security coverage, which indicate the sectors in which women work, 42,692 were covered by the special regime for domestic workers; 20,000 were in the special regime for self-employed workers, and 6,000, in the special regime for agricultural workers.

Data on asylum and refuge show that in 2000, a total of 7,926 persons sought asylum in Spain; of these, 3,144 were women (40 per cent).

In 2001, the percentages were similar: of 9,490 persons seeking asylum, 3,728 were women (39.28 per cent).

The main countries of origin of women asylum seekers were Colombia, Pakistan, Sierra Leone, Cuba, Nigeria, Armenia, Russia, Romania and the Ukraine.

B.II. Changes in the legal order

Organic Law 4/2000, of 11 January, which was amended by Organic Law 8/2000, of 22 December, on rights and freedoms of foreigners in Spain and their social integration, is based on the principle of equality and non-discrimination. This law lays down a statute on the rights and freedoms of foreigners in our country.

These rights, which are recognized in Title I of the law, fall into two major categories: rights to which all foreigners are entitled, such as fundamental human rights, and rights that are only available to legal residents in Spain, namely, social or legal rights.

In the first category, all foreigners, both women and men, have the right to health care, to basic services and benefits, to effective legal guardianship, to education and to legal assistance.

In addition to these rights, women and men who are residents or who have entered Spain legally have the right to vote in municipal elections provided there is a reciprocal right in their country of origin, to join a trade union and go on strike, to meet and demonstrate, to carry out remunerated activities on their own account or for a third party, to receive housing assistance and to family reunification.

Foreign residents who have insufficient economic resources are entitled to the same free assistance granted to Spanish citizens, regardless of the jurisdiction in which applications for such benefits are processed.

As far as refugees are concerned, the law is the same for women and men. When a request for asylum in Spain is granted, the applicant shall be entitled to live in Spain and to work and carry out professional and commercial activities as established in the Act of 26 March 1984, on the right of asylum and status of refugees, as amended by the Act of 19 May 1994 and the corresponding regulations. Under the 1951 Geneva Convention, once a person has been granted asylum, he or she cannot be expelled.

In addition, article 57.6 of the organic law provides that pregnant women may not be returned or expelled if such a measure entails risk for the pregnancy or for the mother's health.

Likewise, article 58.3 provides that if a request for asylum is not granted, the applicant may not be expelled or returned if such a measure entails risk for the pregnancy or for the mother's health. Such situations are regulated by article 138.4(a) of the regulations for implementing the organic law.

In order to implement the provisions on the Act adopted by the Congress of Deputies on measures to eradicate female genital mutilation, all official forms used in applying for permits or cards for foreigners are accompanied by a pamphlet explaining the rights and duties of foreigners in Spain, as well as information explaining the fact that genital mutilation is a criminal offence in Spain.

B.III. Policies and programmes

Foreigners are also included in policies and programmes described in previous sections, including the National Plan of Action on Social Inclusion, the Equal Community Initiative, and in particular:

The Global Programme on regulation and coordination of issues relating to foreigners and immigration in Spain (Programa Global de Regulación y Coordinación de la Extranjería y la Inmigración en España GRECO), which is designed to facilitate immigration and integration into the job market of foreigners residing in Spain. The programme has a budget of 226,978,231.34 euros.

This programme, which was approved by a decision of the Council of Ministers on 30 March 2001, represents the first initiative our country has developed in order to address all aspects of the issue of immigration and the presence of foreigners in Spain. It was drawn up with the participation of all ministerial departments involved in dealing with this question, and is scheduled to operate from 2001 to 2004.

The programme takes a global and coordinated approach to immigration and provides for the protection of refugees and immigrants of both sexes, without discrimination. At the same time, it takes into account the special needs of women immigrants in sensitive areas such as motherhood and pregnancy.

Priority is given to providing training and educational programmes for women immigrants of all ages, i.e., girls and young and adult women.

Comprehensive plans have been developed for ensuring that immigrants, both male and female, will be able to get jobs on an equal footing with Spanish citizens. Accordingly, training, education and adult literacy programmes are also provided.

Occupational training is also provided in connection with efforts to provide temporary shelter to women who are refugees or displaced persons. Under the GRECO programme, vocational training is provided so as to enable women to enter the labour market. Stateless persons are granted access to education on an equal footing as Spanish nationals.

The GRECO programme is not the only example of the recognition that is accorded to the importance of education for individual growth and for the socioeconomic development of the countries of origin of immigrants. This is an

issue that is taken in account in the agreements that Spain has entered into with other countries, including, for example, the agreement of November 2001 with the Federal Republic of Nigeria. In this agreement, the Spanish Government undertakes to assist and cooperate with the Government of Nigeria in its efforts to control HIV/AIDS and other sexually transmitted diseases – which seriously threaten the health of the female population of the region – and facilitate the re-entry into society of those who have been affected by the diseases.

The Ministry of Labour and Social Affairs, through the Spanish Institute of Migration and Social Services (IMSERSO), is implementing a Plan on the social integration of immigrants, the priority objectives of which are to eliminate discrimination, promote coexistence based on democratic values, eliminate barriers to integration and mobilize society as a whole to combat racism and xenophobia.

A number of NGOs operating under the general regime have received grants for the implementation of programmes designed to promote the social integration of refugees, immigrants, asylum seekers and displaced persons. Subsidies have also been provided under the individual income tax system.

The Ministry of Labour and Social Affairs is also working under cooperation agreements with the autonomous communities with a view to jointly providing services for immigrants, refugees, asylum seekers and displaced persons.

In 1999, the Sectoral Conference on Social Affairs agreed to the distribution of 3, 906,578.68 euros among 10 autonomous communities to enable them to carry out activities in this regard. In 2000, a total of 3,005,060.52 was distributed among 13 autonomous communities for the same purpose. Cooperation agreements have also been signed with institutions such as Caritas, the Madrid Bar Association, the Federación de Asociaciones Pro Inmigrantes e Iniciativas Solidarias, for programmes to be carried out on behalf of these groups.

Measures for combating violence against women

I. Current situation

Violence against women is a widespread problem in every country and in every sector of society, regardless of a country's level of development.

The available data show that complaints of abuse have risen in Spain from 19,535 in 1998 to 24, 285 in 2001. This increase may be attributed to policies and campaigns carried out by the central Government and the governments of the autonomous communities as well as by a number of NGOs.

According to the last Report of the Attorney General of the State, which was submitted at the beginning of the current judicial year, complaints of domestic violence rose during 2000 for the second year in a row. Such complaints rose by 35 per cent, from 11,890 in 1999 to 16,083 in 2000.

The statistics on complaints of abuse lodged by women against their spouse or similar partner* in 1998-2001 are as follows :[1]

	1998	*1999*	*2000*	*2001*
Total	19,535	21,582	22,397	24,158
Ofences	5,546	6,554	6,224	5,983
Misdemeanours	13,989	15,077	16,173	18,175

Source: Calculations based on data supplied by the Ministry of the Interior.

This gradual trend upward continued in 2002, as evidenced by the fact that 14,997 complaints were lodged between January and May.

Persons killed by their spouse or similar partner *1998-2001

	Total	*Women*	*Men*
1999	52	42	10
2000	48	42	6
2001	45	42	3

* Up to January 2002, the term « similar partner » applied only to a partner in a de facto union. From that date onward, the term applies to the following : a former spouse (including) separated or divorced, former partner in a de facto union, former fiancé or fiancée. The data do not include the Basque Country, Girona or Lleida.

Source: Calculations based on data supplied by the Ministry of the Interior.

In 1999, at the request of the Institute for Women's Issues, the Sigma Dos company conducted a macro-survey on violence against women. The main purpose of this survey was to determine in quantitative terms the situation with respect to violence against women in the domestic setting.

The macro-survey shows the following:

- 4.2 per cent of the adult Spanish women surveyed stated that they had been abused during the last year;
- 12.4 per cent of adult Spanish women are "technically" considered to be victims of abuse; in other words, although they do not consider themselves abused, they reply that they have been victims of certain behaviours considered by experts to be indicative of degree of violence;
- In over 70 per cent of all cases, women who are victims of violence have been abused for more than 5 years.

The data on sexual violence are as follows:

Reported offences of sexual abuse, harassment and agression

	Sexual abuse	*Sexual abuse including penetration*	*Sexual harassment*	*Sexual agression*	*Sexual agression including penetration*	*Total*
1999	1,727	162	362	2,581	1,082	**5,914**
2000	1,675	128	348	2,317	1,228	**5,750**
2001	1,685	163	364	2,231	1,219	**5,662**

Note: The data do not cover the Basque Country or Girona for the entire year because they are not available to the Ministry of the Interior.
Source: Calculations based on data supplied by the Ministry of the Interior.

II. Changes in the legal order

Since 1999, the 1995 Penal Code has been amended by three organic laws as follows:

Organic Law 11/1999, of 30 April, amending Volume II, Title VIII of the Penal Code, adopted by Organic Law 10/1995, of 23 November (already mentioned in the previous report);

Organic Law 14/1999, of 9 June, amending the 1995 Penal Code in regard to the protection of victims of abuse and the Criminal Procedures Act.

Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration.

In addition, the Criminal Procedures Act was amended by Act 38/2002, of 24 October, partially amending the Criminal Procedures Act, on procedures for rapid and immediate prosecution of certain offences and misdemeanours and amending the provisions on abbreviated process.

Organic Law 14/1999, of 9 June, was enacted to implement the second Comprehensive Plan against Domestic Violence.

One of the most significant changes was the inclusion of a provision whereby, as either a penalty or a safety measure, an injunction is issued prohibiting a perpetrator from going near to the victim or the victim's relatives wherever they may be, and from coming near their residence, place of work or other places frequent by the victim.

Another important innovation is the inclusion of psychological violence as an element of habitual domestic abuse. Penal proceedings may be initiated in cases of misdemeanours, while at the same time the criminal penalties imposed are to be commensurate with the potential effect of the abuse on the victim. The obsolete reference, in the previous law, to a woman disobeying her husband or the children disobeying their parents has been eliminated.

Article 13 and 109 of the Criminal Procedures Act have been amended and a new article 544 bis has been added in order to allow for immediate protection of victims of the aforementioned offences. A new protection measure has been added to make it possible to keep the perpetrator at a distance, physically, from the victim. This measure may be ordered during the early stages of the proceedings.

Finally, another highly innovative amendment to the Criminal Procedures Act could considerably mitigate the impact of the proceedings on the victim or on witnesses who are minors. In this regard, provision is made for the necessary legal steps to be taken so that there is no need for a visual confrontation between the victim or the children and the defendant; this is made possible by the use of audiovisual media. Thus, the practice of requiring witnesses who are minors to appear in person will now be the exception rather than the rule.

Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, adds a new Title XV bis to the Penal Code to deal

with illegal trafficking in persons. This change is discussed in the present report, in the section on article 6.

The latest amendment to the Criminal Procedures Act establishes a new procedure for rapid prosecution of certain offences, including offences of physical injury, coercion, threat of or habitual physical or psychological violence committed against a spouse, a former spouse, a person with whom he has had a stable union in a similar emotional relationship, his children or the children of his spouse or partner in a de facto union, wards, parents or grandparents or disabled persons living with him or who are under his parental authority, guardianship, curatorship, foster care or de facto guardianship.

Changes in the legislation of autonomous communities

As regards the legislation of autonomous communities, special mention should be made of Act 5/2001, of 17 May, on prevention of abuse and protection of abused women. This legislation was enacted by Castilla la Mancha.

In pursuing the objective of the Act, the regional administration undertakes to:

- Promote research on the causes and consequences of violence against women, as well as on the efficacy of measures taken to prevent it and make reparation for its effect;
- Guarantee real equality of rights for men and women in the sphere of education, adapting course content, procedures, attitudes and values to the educational curriculum;
- Conduct campaigns to raise awareness of the problem of violence against women in Castilla la Mancha;
- Submit yearly reports to the Cortes of the autonomous communities on convictions handed down in cases of domestic violence, with the consent of the victim and with due regard for the right to privacy of the victim and minor children;
- Establish a women's centre in each municipality with a population of over 5,000, to provide legal and psychological assistance to all women in Castilla la Mancha who request it;
- Establish emergency centres or shelters in provincial and municipal capitals with a population of over 25,000, to provide support and protection to women and their children who are victims of violence.

This Act allow for the public administration to intervene whenever such action will help protect the rights of victims or protect the public interest in penal proceedings. It also provides for a system of public assistance to be set up for women victims to obtain housing and employment.

III. Policies and programmes

The fight against domestic violence is a fundamental focus of the policies on equal opportunities for men and women. Domestic violence is both a cause and an effect of the discrimination suffered by women in all spheres of social and private life.

During this reporting period, Plans against Domestic Violence were drawn up and implemented with the approval of the Spanish Government and with the Institute for Women's Issues taking responsibility for coordinating activities. Several different departments participated in the design of these plans, including the Ministries of Education, the Interior, Justice and Health, the autonomous communities through their agencies responsible for equality, and the Federation of Municipalities and Provinces.

The first Plan was innovative in that it involved the participation of ministries and private institutions in a nationwide project. Thus, all these agencies and organizations were responsible for implementing the measures envisaged in the Plan and applying the principle of mainstreaming which underlies the entire text.

The Plan, with a budget of 53,739,009.85 euros, entailed raising awareness among the population in general and victims in particular of the need to take a "zero tolerance" approach to violence against women in Spanish society.

An evaluation of the Plan showed that during the time it was implemented, there was a significant increase in the resources available throughout the country for providing assistance to women who were victims of violence and their children. Thus, 39 special services units were opened by the police (SAM), 54 Civil Guard teams for women and children (EMUME) were put in place, 32 information centres and victim services units were opened in the courts and prosecutors' offices, and 125 new shelters were set up. Circulars were distributed among the police to guide professionals in State law enforcement and security corps on how to act in situations of domestic violence. More than 95,000 coeducational materials were published on the subject of prevention of violence against women and, as in the case of the third Plan on Equal Opportunities for Women and Men, training courses were offered for professionals of both sexes who play a decisive role in educational and other services to victims of violence, both in connection with the prevention of the causes of gender violence and the improvement of legal, social and health services for victims.

One of the actions carried out involved the design and dissemination of a health protocol for cases of domestic abuse. The programme was approved by the Inter-territorial Health Council and was implemented with the cooperation of the Sociedad Española de Medicina Familiar y Comunitaria (SEMFYC), the Sociedad Española de Ginecología y Obstetricia (SEGO), the Sociedad Española de Medicina General (SEMG) and the Sociedad Española de Medicina Rural (SEMERGEM). Technical support was provided by the Institute for Women's Issues and the General Directorate for Relations with Law Enforcement, the National Health Institute and several autonomous communities.

The purpose of the protocol is to establish guidelines for health professionals to deal with abused persons seeking emergency assistance, primary health care or general medical services, in both the private and the public sectors.

Other specific activities carried out under the Plan include the following:

- A national campaign was organized to combat abuse of women, with the slogan "violence against women hurts every man and every woman";
- The bar associations of 10 provinces set up specialized legal services for victims of domestic violence;

- Funding was provided for the comprehensive plan against domestic violence;
- The annual report on efforts to combat domestic violence was prepared;
- Brochures containing recommendations for victims of domestic violence were distributed for use by members of the police forces and security corps.

Funding was provided, as a result of appeals for grants, for the following programmes, activities and seminars:

- "Mantenimiento y actividades habituales de la entidad", Commission on the Investigation of Abuse against Women;
- Publication of 1,000 copies of a monograph on all aspects of abuse, from the standpoint of the social, family, legal and health issues involved;
- Intervention programme for families at risk and/or suffering violence, carried out by the Carmen García Castellón Association of Separated and Divorced Women;
- Programme of aid and assistance for victims of abuse, carried out by the Spanish Association of Women Jurists;
- Programme on prevention of violence and comprehensive services for abused women, carried out by the National Federation of Separated and Divorced Women;
- Graduate course on domestic violence: analysis and multidisciplinary treatment approach, Ramón Llull University.

During the years covered by this report, NGOs have also been active in this area of work. The following assistance has been provided:

	1998	*1999*	*2000*
Subsidies from the individual income tax (IRPF) (children)	7	8	7
Subsidies provided by the Institute for Women's Issues	12	12	16
Subsidies from the individual income tax (IRPF) (women)	25	29	31
Total	**44**	**49**	**54**

Cooperation agreements on programmes to prevent and combat domestic violence have also been signed with the autonomous communities.

Despite the progress made under the plan, however, it became necessary to continue the activities and devote more resources and effort to the fight against domestic violence.

The second Plan against Domestic Violence was adopted by the Government on 11 May 2001 for implementation between 2001 and 2004, with a budget of 78,566,508.19 euros, 73 per cent more than the amount provided for the first Plan. Coordination was again the responsibility of the Institute for Women's Issues.

The second Comprehensive Plan against Domestic Violence (2001-2004) is designed to continue addressing issues already dealt with in the first Plan, under four priority areas of action: prevention and awareness raising, legal and procedural measures, assistance and social intervention, and research.

The objectives of the Plan are:

- To promote education based on the values of dialogue, respect and tolerance;
- To improve legislation and legal procedures, rapid prosecution, etc.;
- To complete the mapping of social resources throughout the national territory;
- To strengthen coordination between different agencies and social organizations.

Thus, one of the proposed changes in legislation would consist of an amendment to the Penal Code providing, inter alia, for a penalty whereby a person would be prevented from exercising parental authority. Penalties would be adjusted so that weekend arrest would be replaced by community service, and regulations on the prohibition against owning and bearing arms would be issued. In addition, an amendment to the Criminal Procedures Act has been proposed whereby the family court would be empowered to take exceptional measures in cases of separation and divorce to ensure that the aggressor is indeed separated from the family and to simplify and streamline penal procedures, both for offences and for misdemeanours.

As far as procedure is concerned, court procedures will be streamlined so as to bring all lawsuits for violence under a single court and to ensure that all bar associations provide free 24-hour legal guidance services, guaranteeing that specialized assistance will always be available.

As noted above, the Institute for Women's Issues conducts in-depth research studies on violence against women and develops estimates of the direct and indirect costs of such violence.

Over the last few years, funding has been provided, inter alia, for the following research studies on violence against women in the community:

- Empirical study of domestic violence;
- Effect of domestic violence on women's health;
- Psychological variables influencing the victim/aggressor relationship in
- Forensic assessment of medical-psychological factors involved in the behaviour of victims of family violence;
- Domestic violence: its impact on the physical and mental health of women;
- Predictors of psychological and social adjustment of women who are victims of abuse;
- Violence against women: the view in images and words;
- Structure and dynamics of personality in abused women suffering post-traumatic stress;
- Transmission and apology of the use of violence against women: proverbs, sayings and persuasive texts.

Two macro-surveys on violence have been conducted at the national level. These have been especially useful because of the large size of the sample surveyed and the fact that they are the only studies that provide data on the number of women who are victims of abuse within the adult female population of Spain.

The Institute for Women's Issues considers it essential that legal operators should be trained in the gender approach. Thus, since 1997, it has signed annual cooperation agreements with the Centre for Law Enforcement Studies with a view to organizing training workshops for prosecutors, court officials and coroners on the issue of violence against women.

The following actions by other agencies are also worth noting:

In 1998, the Ombudsman and the General Council of the Judiciary each prepared a report on violence against women. The Ombudsman's report, entitled La violencia doméstica contra las mujeres, was submitted to the Cortes Generales. The report by the General Council of the Judiciary, entitled Problemática jurídica derivada de la violencia doméstica, served as the basis for its Guía práctica de actuación contra la violencia doméstica.

The Ministry of the Interior, represented by the State Secretariat of Security, has participated in a number of forums, seminars, courses and workshops on different aspects of violence against women. It also published and distributed 180,000 pamphlets on guidelines to be followed in cases of aggression against women.

The General Directorate of the Civil Guard set up a 24-hour hotline to provide information and channel complaints by women who are victims of violence. It also organized several training courses on violence and presented papers at workshops, colloquiums, round tables and other events organized by the divisions of public administration concerned with this issue. The Education Office of the Civil Guard provides training on the third Plan on Equal Opportunities at the different centres.

The General Directorate of the Police conducted a number of training activities on violence against women for the professional staff of the National Police.

On the international scene, aside from the activities carried out by the Institute for Women's Issues under the agreements signed by Spain during this reporting period (see article 2), our country has also participated, as noted in the section on article 6, in the European programmes on violence against women, particularly the Daphne Programme and the STOP Programme.

Finally, it should be noted that combating violence against women was one of the priorities relating to equal opportunities that was emphasized by the Spanish Presidency of the Council of Ministers of the European Union during the first half of 2002. The Conference of Ministers responsible for Equal Opportunities was held in Santiago de Compostela on 18 and 19 February to promote an exchange of information and experience, as well as analyze the necessary next steps towards eradicating violence against women. In addition, the Conference launched a draft study on the situation with regard to violence against women in each of the Member States and a Good Practice Guide which includes examples of measures taken by States to mitigate the effect of domestic and sexual violence and violence at the workplace and to eliminate such violence.